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THE

SETTLEMENT MANUAL

1888.

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PREFACE.

THE stock of The Settlement Manual, 1888, being exhausted, a reprint has become necessary. This edition contains the changes introduced by the circulars issued by the Board since the last publication of the Manual. No attempt has, however, been made to rearrange the rules, as this would have delayed the reprinting and supply of copies, which are much needed. It is intended to issue a revised Manual as soon as practicable.

2. The Manual is interleaved with blank pages for the purpose of inserting any additions or alterations made after its issue.

C. W. BOLTON,

Secretary.

CALCUTTA,
The 12th January 1892.

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SETTLEMENTS.

CHAPTER I.—PRELIMINARY.

Settlements in general.

1. THE term "settlement" in these rules is applied either to (*a*) a settlement of the amount of land revenue payable to Government, or (*b*) a settlement of fair rents payable to landlords, which may or may not be made with a view to determine the amount of land revenue payable to Government.

Rent becomes revenue when the proprietary right vests in the State.

2. Rent, as defined in the Tenancy Act, is whatever is lawfully payable or deliverable in money or kind by a tenant to his landlord (which term includes Government) for the use or occupation of the land held by the tenant. When the paramount title of the State carrying with it the right to receive revenue and the proprietary right to receive rent unite in Government, the proprietary interest becomes merged in the paramount title; and rent, in such cases, becomes revenue.

Settlement of land revenue.

3. The chief object of a settlement of "land revenue" may be defined to be the determination of the amount of revenue payable by proprietors, tenure-holders, or raiyats, directly to Government, whether under the denomination of revenue or rent.

Settlements of fair rents.

4. A "settlement of fair rents" means the determination of the amount of the rents payable by the tenure-holders and raiyats of an estate or tenure, or part of an estate or tenure, to their landlord, and includes the determination of such rents by a Revenue Officer in private zemindary estates or tenures, under the procedure prescribed in the Tenancy Act, as well as the determination of fair rents for the purpose of regulating the amount of land revenue payable to Government in estates or tenures liable to assessment of land revenue. A settlement of fair rents is ordinarily the basis of a settlement of land revenue, and must be made, under section 104 (2) of the Tenancy Act, in every case of settlement of land revenue, in which an order has been passed under section 101 of that Act; but a settlement of fair rents may also be made in private estates and not for the purpose of determining amount of land revenue, in certain cases specified in section 101 (2), *a*, *b*, *c*, and in section 103 of the Tenancy Act.

What lands are liable to settlement of land revenue.

5. The revenue of the greater part of the territories subject to the Lieutenant-Governor of Bengal, having been fixed in perpetuity by the Regulations of the Permanent Settlement, is not liable to alteration or re-settlement.

The following lands, however, are liable to assessment or re-assessment and settlement of land revenue :—

1*st.*—Waste lands of which the revenue has never been settled.
2*nd.*—Temporarily-settled estates or tenures the property of Government or of private individuals (on expiration of the term of the current settlement).
3*rd.*—Estates or tenures purchased on account of, escheated, or forfeited to, Government.
4*th.*—Resumed revenue-free lands.
5*th.*—Islands thrown up in navigable rivers under certain conditions.
6*th.*—Alluvial accretions.
7*th.*—Lands acquired but no longer required for public purposes.
8*th.*—Lands annexed by conquest.

Waste lands.

The rules in this Manual do not apply to settlements of waste lands (such as those of the Sunderbuns) other than plots of waste lands comprised in, and forming part of, an ordinary estate or tenure, which plots are settled as part of such estate or tenure and not according to the waste land rules.

Special rules for the settlement of alluvial accretions will be found in Appendix B.

Classification of lands coming under settlement according to proprietary rights.

6. All lands coming under settlement of land revenue may, as regards proprietary right, be divided into two classes: *first*, those in which the proprietary right vests in Government; and *second*, those which are the property of private persons. The proprietary right vests in Government in the following cases :—

(1) Waste lands which have never been settled.
(2) Lands escheated in default of legal heirs or claimants.
(3) Lands forfeited to Government for certain offences against the State.
(4) Islands thrown up in navigable rivers under certain conditions, such islands belonging to Government by law.
(5) Lands purchased by Government.
(6) Lands acquired for public purposes.
(7) Lands appropriated by zemindars for keeping up thanas or police establishments when resumed in consequence of the proprietors having been exonerated of the charge of keeping the peace (*vide* clause 4, section 8, Regulation I of 1793).
(8) Lands annexed by conquest when proprietary rights have not been recognised as vesting in private individuals.

The proprietary right vests in private individuals in the following cases :—

(1) Resumed revenue-free lands.
(2) Resumed towfeer lands, *i.e.*, lands which at the period of the decennial settlement were not included within the limits of an estate for which a settlement was concluded with the owners, but which on enquiry are found in the possession and occupation of private proprietors.

(3) Alluvial accretions to temporarily or permanently-settled estates.

The process of settlement, however, is not materially affected by the class to which the estate belongs in respect of proprietary right. That question has an important bearing on the calculation of the Government share in the assets and on the selection of the person to be held responsible for payment of the Government revenue; but the operations of measurement, inquiry into amounts of current rents or rates of rent, and the process of record of the rights and interests of tenants, are not affected by the class of the estate, *i.e.*, whether Government or private.

Classification of settlements according to the sanctions under which they are conducted.

7. As regards the laws and procedure under which they are conducted, land revenue settlements may be divided into four classes:—

First.—Settlements of land revenue merely, in lump sums, which may be made without a record of raiyats' rents or rights.

Second.—Settlements under the old Regulations or under Act VIII (B.C.) of 1879 in districts to which the Bengal Tenancy Act does not apply, embracing enhancement of rents, where necessary.

Third.—Settlements under the Regulations not repealed by the Tenancy Act in estates or tenures where, though the Tenancy Act is in force, it is deemed desirable merely to record and not to resettle rents, or it is considered expedient to resettle rents by mutual agreement, provided that enhancements of more than two annas in the rupee on existing rates or rents are not claimed.

Fourth.—Settlements under Chapter X of the Tenancy Act, in which rents are both recorded and settled, embracing, where necessary, enhancements of more than two annas in the rupee on existing rents

Settlements of the first kind ordinarily include—

(*a*) Settlements of waste lands.
(*b*) Of alluvial lands.
(*c*) Of tracts annexed by conquest, to which the Settlement Regulations and the Rent Laws have not been extended.

An island is thrown up in a navigable river, and is taken possession of on behalf of Government The lands are entirely uncultivated; but a speculator is willing to take a farm of the estate for a term of years at a specified jama. This is an instance of the first class of settlement which, as well as settlements of waste lands, are based on the law of contract.

In tracts annexed by conquest, to which neither the Settlement Regulations nor any Rent Laws have been extended, the sanction for settlement is to be found in the orders of the executive authorities.

8. Settlements of land revenue of the second class, other than those included in class one, apply in districts or parts of districts in which the Tenancy Act is not in force, and they may or may not involve enhancement of rents.

The districts in which the Bengal Tenancy Act is not at present (1888 A.D.) in force are—

Balasore*, Pooree*, Cuttack*, Darjeeling, Julpigoree, Hazaribagh Lohardugga, Manbhoom, Singbhoom, the Chittagong Hill Tracts, the Sonthal Pergunnahs, the Mehal of Angul in Orissa, and the Town of Calcutta. In Balasore, Pooree, Cuttack, Julpigoree (*i.e.*, the tract south of the Teesta), and Manbhoom, Act X of 1859 and its amending Acts [VI (B.C.) of 1862 and IV (B.C.) of 1867] are in force. In the districts of the Chota Nagpore Division, the provisions of the Chota Nagpore Tenures Act [II (B.C.) of 1869], and in Hazaribagh, Lohardugga and Singbhoom, those of the Chota Nagpore Landlord and Tenant Procedure Act [I (B.C.) of 1879] prevail. In the Sonthal Pergunnahs, the Sonthal Pergunnahs Rent Regulation of 1886 is in force.

The sanction for settlement proceedings of the second class, in the districts in which the Bengal Tenancy Act is not in force, is to be found in the Settlement Regulations and the Special Settlement Laws, read with the Rent Laws, which are in force in them severally.

The following are the Regulations and Laws applicable to settlements in these districts :—

Settlement Laws.

(1) Balasore, Cuttack, and Pooree ...	Regulation VIII of 1793. „ XII of 1805 (applicable to Cuttack only). Regulation V of 1812. „ XVIII of 1812 (not applicable to Cuttack). Regulation VII of 1822. „ IX of 1825. „ XI of 1825. „ IX of 1833. Act VIII (B.C.) of 1879.
(2) Darjeeling, Julpigoree (tract south of Teesta), Manbhoom, Hazaribagh, Lohardugga, and Singbhoom.	Act VIII (B.C.) of 1879.
(3) Julpigoree (tract north of Teesta, *i.e.*, Bhutan Duars).	Act XVI of 1869. „ VIII (B.C.) of 1879.
(4) Sonthal Pergunnahs ...	Regulation III of 1872.
Chittagong Hill Tracts ...	Act XXII of 1860.

Under section 189 of the Tenancy Act, the rules issued by the Local Government under that Act have the force of law.

The regulations and laws cited above for the most part regulate the procedure for the determination of revenue in the districts named opposite them. Acts XXII of 1860 and XVI of 1869, however,

* NOTE.—By Government Notification dated 10th September 1891, published at page 839, Part I of the *Calcutta Gazette*, dated the 16th idem, Chapter X, and sections 3 to 5, 19 to 26, 41 to 49, 53 to 75 and 191 of the Bengal Tenancy Act have since been extended to Orissa.

merely exclude the jurisdiction of the Civil Courts, and are tantamount to the withdrawal of all law, but the general spirit of the Rent and Settlement Laws prevailing in the permanently-settled tracts should be followed in making settlements of land revenue in areas in which no settlement law is in force.

9. Though the laws and regulations cited in the preceding rule regulate the powers of settlement officers, and the procedure by which they are to carry on settlements in the districts named therein, yet in fixing rents and determining the status of tenants, regard must likewise be had to the Rent Laws which prevail in these districts. The Settlement Laws and Regulations cited above determine the procedure by which revenue is to be assessed, and by which the amount of the assets, which are the basis of revenue, is to be ascertained; but it is according to the Rent Laws which prevail in these several districts, supplemented by the provisions of Act VIII (B.C.) of 1879, that the classification of tenants of every degree must be made, and that the amount of rents demandable from them must be determined.

10. Settlements of the third class will be made in estates or tenures situated in districts in which, although the Bengal Tenancy Act is in force, it is not deemed desirable to have recourse to Chapter X of that Act for the settlement of fair rents.

The repeal of Bengal Act VIII of 1879 by the Tenancy Act leaves Government the same powers (in addition to those given by Chapter X) for the settlement of land revenue, as distinguished from the settlement of raiyats' rents, as it held before that Act was passed, so that the revenue authorities may, even where the Tenancy Act is in force, proceed, if they think fit, under the old Regulations, for the purpose of determining the amount of the Government revenue, which they may think proper to demand. without having recourse to Chapter X of the Tenancy Act. But as it has been decided by the High Court (6 W. R., Act X, 5 ; 16 W. R., 153 ; 20 W. R , 207 ; 21 W. R., 410) that sections 7 and 9 of Regulation VII of 1822 must be read with section 13, Act X of 1859, and sections 14, 15, 18, Act VIII (B.C.) of 1869, and that Government, in making a settlement on a Government estate under Regulation VII of 1822, is like an ordinary zemindar bound to serve a notice stating the grounds of enhancement, and as the raiyat can contest any claim to enhanced rent recorded under Regulation VII of 1822, it follows that raiyats' rents cannot be enhanced under the old Regulations in districts in which Act X of 1859 or Act VIII (B.C.) of 1869 is in force. In districts in which Act VIII of 1885 is in force, the provisions of sections 6, 28 and 43 preclude the rents of tenure-holders and non-occupancy raiyats, and the money rents of occupancy raiyats, from being enhanced except as provided by the Act. Settlement officers have therefore no power to enhance rents under Regulation VII of 1822.

The sanction for settlements where the Bengal Tenancy Act is in force, if the provisions of Chapter X are not resorted to, is to be found in Regulation VII of 1822, IX of 1825, and IX of 1833 ; but even when the provisions of Chapter X of the Bengal Tenancy Act are not followed, the principles laid down in that Act must always be had regard to, in making a record-of-rights and in determining the status of tenants in districts in which it is in force.

11. Settlements of the fourth class apply in districts or parts of districts in which the Tenancy Act is in force, and it is intended to enhance rents by more than two annas in the rupee, or where, apart from any intention to enhance rents by more than two annas in the rupee, it is thought desirable, on other grounds, to make a record-of-rights and a settlement of fair rents, which shall be judicially binding on the raiyats. The sanction for these settlements is to be found in Regulations VII of 1822, IX of 1825, IX of 1833, the Bengal Tenancy Act, and the rules made by the Local Government under that Act.

12. In making settlements in which it is not intended to alter existing rents, or it is intended to alter them only with the consent of the raiyats, or where a settlement is being made of land which for the first time is being assessed to rent, such as dearahs or alluvial formations, it will not ordinarily be necessary to have recourse to the procedure laid down in Chapter X of the Tenancy Act, and the rules made under it, even where that Act is in force.

13. In settlement cases under the Tenancy Act the rents of the raiyats can only be raised on the grounds and to the extent prescribed in the Act, and after the production of proof of the existence of these grounds.

In settlement cases under the old Regulations the rents of the raiyats may be raised only with their own consent or after suits brought against them in the Civil Court. But even with his own consent the rent of an occupancy raiyat cannot, under the provisions of section 29 of the Tenancy Act, be raised, where that Act is in force, otherwise than by a registered agreement, or to an extent exceeding two annas in the rupee, save under the exceptional circumstances mentioned in the provisos to that section. The Collector must decide in each case whether to adopt the simpler but less efficacious procedure of the Regulations, or to apply for an order, under section 101 of the Act, for a survey and the preparation of a record-of-rights.

Powers of settlement officers.

14. Under section 3, clause 17 of the Tenancy Act, officers cannot be vested with the general powers of a revenue officer, but with certain functions only as specified in certain provisions of the Act. When an order has been passed, under section 101, directing that a survey be made and record-of-rights prepared, the Government will in each case appoint a revenue officer to discharge the functions referred to in the chapter. The revenue officer may be appointed as settlement officer under rule I, Chapter VI of the Government Rules, and be vested with the powers therein specified, but no one can be appointed a settlement officer under that rule, unless he is already a revenue officer under the Act. For settlements not made under Chapter X there will be no necessity to appoint a settlement officer, as under section 195 of the Act the powers and duties of settlement officers as defined by any law not expressly repealed remain in force.

15. The following several processes are ordinarily comprised in settlements of land revenue other than those of waste lands:—

I.—Identification of the land, settlement of boundary disputes, and securing attendance of persons connected with the land.

II.—Measurement.

III.—Testing of the measurement and of other entries made by the amins in the survey records.
IV.—Determination and record of rents.
V.—Record-of-rights.
VI.—Provision for police, patwaris, &c.
VII.—Determination of proprietary or other allowances.
VIII.—Terms of settlement and selection of settlement-holders.

One and the same set of rules and instructions apply to processes II, III, VI, VII, and VIII, whether the settlement proceedings are being conducted under the Tenancy Act or under Regulation VII of 1822, and Act VIII (B.C.) of 1879, or under Act VIII (B.C.) of 1879 alone. The rules to be followed for conduct of processes under heads I, IV and V differ according as the proceedings are under Regulation VII of 1822 or under the Tenancy Act.

Chapter II.—Identification of the land, settlement of boundary disputes, and securing the attendance of persons connected with the land.

General.

1. When the settlement proceedings are being carried on under the Tenancy Act, the rules made under that Act for the decision of disputes as to ownership or possession of land and enforcing attendance of persons connected with the land will apply. Under rule 32, Chapter VI of the Tenancy Act Rules, when a dispute arises before the final publication of the record regarding the correctness of any entry or the propriety of any omission as to the possession or ownership of the land, or regarding the correctness of any other entry (not being an entry of rent settled) which the settlement officer has made, or proposes to make, the settlement officer must take evidence and decide the dispute as a civil suit, and his decision will have the force of a decree.

2. When the proceedings are being taken under Regulation VII of 1822, the settlement officer may dispose of disputes respecting boundaries of villages, taluks, and other tenures under the provisions of clause 4, section 14 of that Regulation, according to possession, leaving any party aggrieved by his decision to file a regular suit in the civil courts.

Identification of land. Demarcation of boundaries. Settlement of boundary disputes when proceedings are taken under Regulation VII of 1822.

3. When the settlement proceedings are taken under Regulation VII of 1822, the following detailed instructions for identification of land and settlement of disputes regarding possession or ownership will apply.

4. Putwaris, gomashtas, and other persons by whom the accounts have been kept may be summoned with their accounts to give such information as may be necessary in order to enable the settlement officer, or his subordinates duly authorised in that behalf, to identify the lands liable to settlement of land revenue. If they refuse to attend, or neglect to produce the papers, or to swear to their correctness when produced, or if they decline generally to give evidence respecting them, they also become liable to punishment under sections 23 and 25, Regulation XII of 1817; section 12, Regulation II of 1819; and clause 2, section 19, Regulation VII of 1822.

5. The settlement officer may also summon the proprietor or farmer of the estate under settlement, or may require him to cause the attendance of the village officers. Omission or refusal to comply with such requisition subjects the proprietor or farmer to a daily fine, under clause 3, section 13, Regulation II of 1819; clause 2, section 19, Regulation VII of 1822; and Act XX of 1848.

6. The powers mentioned in the above rules are independent of those under the Bengal Survey Act, V of 1875. Where the land to be settled is of considerable extent, but the settlement operations are not conducted under the Tenancy Act, it will still be desirable to move the Government to order that a survey of the tract be made under section 3 of the Survey Act, and to appoint the settlement officer, if other than the Collector, to be Superintendent of Survey, and his subordinates to be Assistant Superintendents, or Deputy Collectors, for the purposes of the Act, under the provisions of section 4. This done, and the formalities of the Act complied with, the settlement officer, and any person deputed by him, will be able to exercise any of the further powers described in that Act.

(a) When the estate is the property of private persons.

In tracing the boundaries of a temporarily-settled estate, the property of private individuals, which has become open to a re-settlement of the land revenue, the settlement officer may find a boundary dispute existing between the holder of such estate and the holder of an adjoining estate, each claiming the ownership of the disputed tract of land.

8 In such a case the settlement officer will first satisfy himself whether the disputed tract is or is not liable to assessment.

9. If the tract forms part of an area which is covered by the existing assessment on an estate of which the settlement is not actually open to revision, or if it forms part of a revenue-free property, the tract cannot be liable to assessment. In that case the settlement officer will merely record his finding to that effect as the reason for taking no further notice of the disputed tract in his proceedings.

10. But if the tract does not form part of any such area, it will be liable to assessment to land revenue, and the question will be what party shall be called on, or admitted, to enter into the settlement engagement. In order to determine this, the settlement officer will proceed under the powers vested in him by section 19 and other sections of Regulation VII of 1822, and by the other laws on the subject, to ascertain which of the claimants is *de facto* in possession as owner.

11. Should he find that such possession is held by *A*, the owner of the estate under re-settlement, the settlement officer will treat the disputed lands as a portion of *A's* estate for the purposes re-settlement.

12. If, on the other hand, the settlement officer should find that *de facto* possession as owner is held by *B*, the other claimant, he will leave the disputed lands out of account in making the assessment on *A's* estate.

13. But the fact of *A* having allowed himself to be dispossessed of such lands by *B* is no sufficient reason for the settlement officer to allow the lands to remain unassessed to the land revenue which is payable to the State. He will, therefore, proceed under the first proviso in clause 9, section 10 of Regulation VII of 1822, to obtain the sanction of the Commissioner of Revenue (who now exercises

the powers of the Board in this matter, under Regulation I of 1829) to his making a separate settlement of the lands in question with the party occupying them as owner, and to his constituting such lands as a separate *towjih* estate, separately answerable for the land revenue demand to be assessed upon it, and separately borne on the general register of revenue-paying lands.

14. On receipt of the Commissioner's sanction, the settlement officer will call on *B*, the *de facto* owner, to enter into an engagement for the land revenue which may have been assessed on the lands; and if he should fail to do so, the Collector may proceed as provided in section 3, Regulation VII of 1822, for the case of recusant proprietors: the person whom the settlement officer called on to engage for the land revenue will be looked upon as the proprietor entitled to the malikana allowance under clause 2, section 5 of the Regulation.

15. Whether the party called upon to engage refuses to accept the settlement engagement, or accepts it under protest, it will be open to him, if not satisfied with the proceedings of the revenue authorities imposing an assessment on the land, to institute a civil suit for the annulment of the proceedings.

16. Should the settlement officer or Collector, after acting in accordance with the above instructions, be made a party to any civil suit between the rival claimants to the ownership of the lands, it will only be necessary for him to plead that he has acted strictly in accordance with the settlement law, and has done no act tending in any way either to maintain or to disturb the possession of either party, *vide* the case of the Collector of Moorshedabad *versus* Roy Dhunput Singh, Bahadur, reported at page 49, volume XV, Bengal Law Reports, remarks in page 55.

(*b*) When the estate is the property of Government.

17. The instructions in the above rules 7 to 16 will not apply to boundary disputes arising in the course of settlement of estates the property of Government. If, in tracing the boundary of any such estate, lands within the boundary assumed by the settlement officer should be claimed by a neighbouring zemindar, who is *de facto* in possession of the same, no demand of land revenue can properly be enforced until the claim to ownership has been decided or admitted in favour of Government. All that the settlement officer can do in such a case is to lay down the undisputed boundary, and also the boundary up to which he claims that the ownership of Government extends, collecting and securing at the same time all the evidence available in support of the claim of the Government in order to its assertion in Court if necessary.

* NOTE.—Sections 22, 25, and 27 of Regulation VII of 1822 have been repealed.

† Government order, 1st August 1839.

18. As the provisions contained in clause 6, section 2, and in the thirty following sections* of Regulation VII of 1822 may be made use of, as far as they are applicable, in the settlement of *purchased* and other khas estates,† the settlement officer should dispose of all disputes respecting boundaries of villages, taluks, and other tenures within such estates under clause 4, section 14 of that law, or refer them to arbitration under sections 7 to 10, Regulation IX of 1833.

19. When a settlement of land revenue, or a survey and record-of-rights, or a settlement of fair rents is being made under the Tenancy Act, the settlement officer can exercise all the powers under the Regulations and Survey Act mentioned in the preceding instructions, and in addition the powers of a Civil Court, *vide* sections 189 (1) (*a*) and (*b*) and 195, Act VIII of 1885, and rules 1 and 32, Chapter VI of the Government Rules under the Tenancy Act. He is empowered, therefore, to adjudicate, as a Civil Court, on disputes as to boundaries, possession or ownership arising before the final publication of the record. His decisions have the effect of a decree of a Civil Court, and it is not open to the parties to suits thus decided by him to go afterwards into the Civil Courts of first instance in order to have his decisions upset, but they may appeal to the Special Judge appointed under section 108 (1), and from the Special Judge to the High Court under section 108 (3).

Identification of land. Settlement of boundary disputes when proceedings are taken under the Tenancy Act.

Chapter III.—Demarcation of boundaries, measurements and testing of measurements.

Detailed instructions for demarcation of boundaries, measurements and testing of measurements will be found in the Board's Survey Manual. It does not seem necesary to refer to the subject in these rules.

2. As soon as he joins his appointment, the settlement officer should devote himself to assiduous testing of the "khanapuri" of the khasras and khatians, and to attestation of the entries.

3 He should ascertain agricultural and economic facts relative to the area under survey and settlement, such as the kinds of soil, the crops grown, the rotation of crops followed, the return per acre, cost of cultivation, and so forth. He should keep a note-book, in which all such facts, whether observed by himself or elicited by enquiry from others, should be entered on the occasion of his visits to each village, and these facts should afterwards be abstracted into the village notes.

Chapter IV.—Determination and Record of Rents.

1. In settlements of revenue on areas in which no settlement or rent law is in force, and in making settlement of unoccupied lands thrown up in navigable rivers, or other similar areas in which no private rights have accrued, settlement officers must be guided by orders of the superior Revenue authorities in recording and determining the amounts of rent or revenue demandable.

Determination of rents in tracts in which no settlement or rent laws are in force.

2. In areas like the Sonthal Pergunnahs, Chota Nagpore and the Bhutan Duars, in which special laws are in force, settlement officers will be guided by the provisions of these laws and the special rules and instructions given by Government.

Where special laws are in force.

✔ "Should a dispute arise regarding boundaries, raising the question whether any particular plot of land is or is not within the local area as notified, the Revenue Officer is bound to decide the point, and if he finds that the land does not so fall within such local area he cannot determine to what village or estate it belongs. But where a dispute arises as to the boundary between two estates, both of which are included in one or more local areas which have been notified for survey, the Revenue Officer is bound, under section 102, to record the name of the landlord and tenant (if there be one) of every plot of land in the whole area notified for survey under section 101; and if any dispute is raised regarding any entry that he has made or proposes to make, he is bound to hear and decide the dispute under section 106." 3-7-94.

4. "Collectors should always arrange to have the whole work done within a single season. A sufficient number of amins should be employed to complete the measurement in two months, the rest of the season being left for settlement work." 2-10-92.

3. In preparing a record of existing rents and determining the amounts of rents demandable for purposes of settlement in districts like those of Orissa*, in which Regulation VII of 1822 and Act VIII (B.C.) of 1879 are in force, settlement officers in recording the amount of rents demandable will be guided by the provisions of Act VIII (B.C.) of 1879 and the Board's instructions contained in this Chapter, rules 21 to 30.

Determination of rents demandable in the tracts in which Regulation VII of 1822 and Act VIII (B. C.) of 1879 are in force (clause 3, rule 7, Chapter 1).

4. The repeal of Act VIII (B.C.) of 1879 leaves Government the same powers for settlement of land revenue under the old Regulations as it possessed before that Act was passed, but rents cannot be enhanced by settlement officers under the powers vested in them by the Regulations in districts in which the Bengal Tenancy Act is in force, save with the consent of the tenants themselves, or by civil suit; and even with their consent the rents of occupancy raiyats cannot be enhanced by more than two annas in the rupee, except in the cases mentioned in provisos ii, iii, section 29 of the Tenancy Act. This restriction on enhancement does not affect the assessment of lands newly occupied by the tenant since the present rent was fixed. Such assessment is not an enhancement of the rent of the holding, but an assessment of land which did not form part of the original holding.

Record of existing rents and determination of rents demandable in settlements of tracts in which the Tenancy Act is in force, but it is not deemed desirable to have recourse to the provisions of Chapter X of that Act (clause 3, rule 7, Chapter 1).

5. In order, however, to ascertain the amount of the assets which should be made the basis on which the Government revenue is to be calculated, the settlement officer, though he cannot enhance existing rents, may record the amount of the rent which might be fairly demandable, and to which the existing rents might be enhanced if civil suits were instituted. The amount so recorded may be made the basis on which the revenue to be paid by the settlement-holder may be calculated. Enhanced rents thus recorded will not be binding on the raiyats. They will merely form the data from which the amount of the Government revenue is to be calculated. If the person entitled to settlement accepts settlement at the amount so calculated, and after he has accepted it, wishes to enforce any enhanced rents so recorded, he must sue for the enhancement in the Civil Court, unless the raiyats voluntarily agree to pay it and the enhancement does not exceed two annas in the rupee; and if the estate is held khas, the Government must under similar circumstances also sue for enhancement in the Civil Courts. Cases in which it will be desirable to prepare a record of enhanced rents of this kind under Regulation VII of 1822, though possible, will seldom occur in practice.

6. It will thus be seen that a jamabandi or rent-roll under Regulation VII of 1822 in districts in which the Tenancy Act is in force should only be made—

1*st*.—Where the lands are being assessed to rent for the first time, as in the case of dearahs, alluvial accretions, and like instances in which the lands are unoccupied, or in which for

* NOTE.—Chapter X, and sections 3 to 5, 19 to 26, 41 to 49, 53 to 75 and 191 of the Bengal Tenancy Act have since been extended to Orissa.

any other reason the Government may fix and enforce the payment of any rent it may choose to demand.

2*nd*.—In cases where it is not intended to enhance existing rents or it is intended to enhance them only with the consent of the raiyats and by not more than two annas in the rupee.

3*rd*.—In cases where though an enhanced rent may be fairly demandable from the raiyats, yet the object being merely to ascertain the lump sum demandable as Government revenue from the settlement-holder, it is desired to ascertain the rental which he might be reasonably expected to realise from the raiyats, but it is left for him to obtain the enhanced rents fairly demandable by civil suit or otherwise.

In all other cases the assets should be ascertained by preparing a rent-roll and record of rights under Chapter X of the Tenancy Act.

Determination and record of rents in settlements under Chapter X of the Tenancy Act.

7. When the settlement proceedings are being conducted under Chapter X of the Tenancy Act, the settlement officer in recording the amount of existing rents and in settling fair rents should be guided by the provisions of that chapter and by rules made by the Local Government under the Tenancy Act, supplemented by the Board's instructions under these rules.

8. The rules which have been published by the Government of Bengal under sub-section 5, section 190 of the Bengal Tenancy Act, with the Board's instructions, are accordingly reproduced at the close of this chapter, of which they form part. Particular attention is drawn to the rules relating to the "service of notice" and to the "record of rights and settlement of rents," which are all applicable to settlements made under Chapter X of the Act. These rules are, as was remarked by the Committee by whom the draft was prepared, of great importance, as they will not only apply to the survey and record of rights of private zemindari estates, but will also, in the majority of cases, form a Code of instructions for the guidance of officers engaged in making settlements of land revenue in any of the districts to which the Act extends.

They will apply to all settlements in which Government has passed an order under section 101 of the Tenancy Act, and the instructions contained in the Board's rules are merely supplementary to them.

General principles applicable to record and determination of rents.

The following principles are of general application, whether the settlement proceedings are under the Tenancy Act or Act VIII (B.C.) of 1879:—

9. In imposing assessments of lands and in enhancement of rents on the ground of the existing rent being below prevailing rate paid for land of the same quality in the village, the most minute attention to local advantages and disadvantages is indispensable. It should always be borne in mind by the settlement officer that his business is not to determine the highest rate which the land may pay for one year, but what can be paid with regularity in average years. It is especially

“ principles.” 3-7-94.

(I) "In considering the amount of enhancement equitably demandable on the ground of excess area, it would probably be well to consider what allowance should be made for error in old recorded areas, whether because of difference resulting from measurement by the same standard between the old system of measurement and that now adopted, or because of the exclusion of ails or partitions between the fields in the old measurement and the inclusion of them in the new, or for other reasons; and a mere difference in the recorded measurement cannot be taken as complete proof of either increase or decrease in the actual area, and cannot therefore, unless supported by other evidence, be sufficient ground for an enhancement or reduction of rent." 3-7-94.

incumbent on him not to conclude too hastily that what appears to be an appropriate assessment is actually so Fertility of soil is not the only circumstance which regulates the power of land to pay rent. Inferior land in an advantageous position will sometimes be found to be paying higher rent, *i.e.*, to be deemed more valuable than better land less favourably situated; land in the middle of a plain, in every respect the same in quality as land on its edge, may be found paying double the rent of the latter, because less exposed to trespass from cattle; while it may also be that land is held at a lower rate than other land apparently of the same quality in the village in consideration of services rendered by the tenant to the landlord, or to his predecessor, or in consideration of the tenant having undertaken to grow a special crop, such as indigo, for the landlord or his assignee, or of his having given up part of his holding to the landlord, or exchanged part of his holding for other lands of inferior quality. All these circumstances should be taken into consideration in assessing fair and equitable rents, so also land near a village may be found paying more than land of the same description at a distance from it. The demand for land or labour as affected by the denseness or otherwise of the population, the salubrity or inclemency of the climate, and the abundance or scarcity of good culturable soil in the vicinity, must all be taken into account.

10. The rent for the time being payable is presumed to be correct for the land found in the tenants' possession and not alone the rate of rent. If, for example, the old area of the holding was supposed to be 5 bighas and the rate Rs. 2 per bigha, and the new area by survey turns out to be 6 bighas, the old rent of Rs. 10 and not Rs. 12 is presumed to be the fair rent till the contrary is proved. This can ordinarily be done by showing that the raiyat has taken up fresh land.

10A. Where the standard of measurement according to which rents were regulated in previous settlements is disputed, or where, though the standard is admitted, it is alleged that allowance should be made for the difference between areas resulting from the former system of measurement and that now adopted, or that allowance should be made for exclusion of *ails* or partitions between fields in previous measurements, which were not excluded in the present measurement, the Settlement Officer should collect a large number of cases in which he can identify a field or holding now held with a field or holding formerly recorded, or can obtain the recorded area of a field or holding known to have been unchanged in shape and size, or presumed to be so from its being situated near the homestead or in the centre of cultivation, and a similar list of fields or holdings situated at the edge of the village or near existing waste lands, where it may be reasonable to suppose that former waste has been encroached on. The totals of two such lists will give him some reasonable ground for a conclusion whether there was a considerable or constant error in the old recorded areas, and if any allowance ought to be made for such error.

Board's Instructions.

Allowance for error in old recorded areas, whether because of difference resulting from measurement by the same standard between the old system of measurement and that now adopted, or because of the exclusion of *ails* or partitions between the fields in the old measurement and the inclusion of them in the new

should be made in considering the amount of enhancement equitably demandable, and a mere difference in the recorded measurement cannot be taken as complete proof of either increase or decrease in the actual area, and cannot therefore, unless supported by other evidence, be sufficient ground for an enhancement or reduction of rent.

(2) As soon as the Settlement Officer has formed any theory as to what excess of area should be allowed as error in the old records, or what change should be made in rent-rates, he should test his theory by applying it to the whole estate or pergunnah, and seeing what results they produce.

(3) He should then submit a report on these points ~~to the Director of Land Records through the Collector or Commissioner,~~ and obtain approval to the course which he proposes taking. Then, and not till then, he should select one case as a test case, and give decisions supported by all the facts he can bring together, and of which he can obtain strict evidence as bearing on the question, whether existing rents are fair and equitable, not merely by such evidence as ignorant raiyats or unskilled zemindars can supply.

(4) Where a reduction of rent is claimed on account of general deterioration of the soil of the estate, the Settlement Officer should collect facts bearing on the question of deterioration, collecting evidence and records, if attainable, of the former and present outturn on specified plots or holdings, and fortifying himself by the opinion of experts, who could, if necessary, be called as witnesses on the subject. In enquiries on this as well as other points, he should obtain averages ~~drawn from~~ the totals of many instances and not from one or two cases only.

3-7-94

(5) Enquiries into the theory and history of rents are needed in all cases for economic purposes, but they are still more essential when a Settlement Officer has to fix fair rents under section 104 (2) of the Tenancy Act; or when, having to record existing rents under section 104 (1), the Settlement Officer finds himself unable to ascertain what the existing rents are; or when, the parties having agreed to accept the current rates, he has to decide with what modifications those rates can be applied to survey areas instead of the nominal areas previously current. Of course care must be taken to avoid grounding his decision in any case on hearsay or on evidence not admissible in a Civil Court.

11. Settlement officers frequently report that they are unable to ascertain the existing rent even of land which has long been under cultivation. As the rents which are in fact paid must in every case in which it is possible to ascertain them from the primary basis of the settlement, every effort should be made to find out what they are; and for this purpose the powers exercisable by a Civil Court of summoning witnesses and calling for accounts may properly be exercised. As the raiyats are interested in representing the actual rents to be low, there will frequently be a difficulty in ascertaining the truth; but this obstacle should not prove insuperable to officers accustomed to conduct judicial investigations.

11A. The Settlement Officer should enquire largely what rent the raiyats assert themselves to pay, and what rent-rates (the term being used in the sense of section 31 of the Tenancy Act, or of special contracts) they conceive they are paying, and should test these facts by applying the same rent-rates to the survey areas. Maps should be coloured to indicate soil classes, and where groups of villages belonging to an estate lie together, a *mujmali* map (or an aggregation of the village maps) on a small scale should be prepared to show the kinds of soil and the average rate of rent over considerable areas.

The record of the rents which are in fact paid should, if possible, extend over an average of at least three years and not be confined to a single year only. There must always be great risk of the record of a single year being unfair either to the zemindar or the raiyat.

(9) "Before proceeding to apply his conclusions judicially, the Revenue Officer would do well to avail himself of the experience of the higher authorities, for which purpose he should ordinarily submit a report to the Commissioner or Director of Land Records on the points in question. After receiving their approval to the views propounded in his report, it would be advisable for him to select one case as a test case, and give a decision supported by all the evidence and facts which can be produced, which may serve as a leading decision in similar cases." 3-7-94.

14. "In settling rents in estates which are the property of Government, the Revenue Officer should bear in mind that Government will not ordinarily demand or realise a rent from a tenant holding directly under it which is more than double the rent previously paid for the holding." 3-7-94.

The road-cess papers may be examined with a view to ascertain the amount of the rents when they were filed, but it is to be remembered that these papers, though evidence against the landlord, are not evidence against the tenant who did not file them.

12. Where it is not possible to ascertain what the existing rents are, the settlement officer must, in fixing fair rents or recording the rent demandable, be guided by the standard of rents or rates prevailing in the village or vicinity, and by general considerations, and should always endeavour to obtain the assent of the tenants to the rents or rates fixed by him

13. Where the land has been settled on a previous occasion, the rent-rates then recorded may be presumed to be still in force if no evidence can be obtained to establish a subsequent change.

14. In settling rents in estates the property of Government, the rent of any one raiyat or of the holders of one raiyati holding during any one year of the currency of a settlement should not ordinarily be raised above the sum which would be double the sum previously paid for the holding.

15. The object of this rule is to diminish the hardship involved in sudden increase of rent, and it is therefore just as applicable when the increase is owing to extension of cultivation or increased area when it arises from any other cause. The rule must be applied with proper discretion and due regard to the grounds on which it was promulgated. It will be observed that it applies only to raiyats and to cases in which the rent previously paid is ascertained, and in which the holding is the same, though the recorded area of the lands may be different; and from the nature of the case it will not be necessary to apply it to very petty holdings or very small rentals. It is difficult to lay down a hard-and-fast line; but it may be said generally that it need not be applied to cases in which the increased rent does not exceed Rs. 10.

16. Where it has been the practice to let the land lie fallow to recruit, on account either of the natural poverty of the soil, or of its natural fertility having been impaired by constant cropping for a long series of years, provision should be made accordingly—that is, land lying fallow should be left unassessed. If a raiyat cultivates five bighas, one of which is always left fallow, then, if the rate for land in cultivation is one rupee per bigha, he should be assessed Rs. 4 for his five bighas.

17. Assessments should in Government estates invariably be fixed according to the value and capabilities of the land, and not according to the special character of the crops grown on the land (see extract from Court of Directors' letter, Appendix C, No. 4).

18. Settlement officers making settlements of Government estates should endeavour to convert rents payable in kind into money rents under section 40 of the Tenancy Act, wherever this can be done with the free consent of the great majority of the raiyats, and provided that adequate arrangements for securing the maintenance of irrigation channels are made. Commutations should not be made without such consent nor without such arrangement. Whenever commutations are effected, a careful record should be made of the obligations of the

parties in the matter of *gilandazi*, or field embankments and channels constructed for purposes of irrigation.

19. The above instructions for determining the rents of raiyats are not applicable to raiyats in estates not managed by, or the property of, Government, in which rents must be settled strictly according to law, and even as regards raiyats of Government estates these instructions do not bind the settlement officer in coming to a judicial decision as to what the fair rent under the Tenancy Act may be. Such decisions must be regulated by the grounds of enhancement or reduction laid down in the Act.

Special instructions for record of rents.

(*a*) *When the proceedings are under the Tenancy Act.*

20. Special instructions for record of existing rents, and settlement of fair rents in proceedings under the Tenancy Act, will be found under the Government rules prepared under that Act (Appendix A).

(*b*) *When the proceedings are under Act VIII (B.C.) of* 1879.

When the settlement proceedings are under Act VIII (B.C.) of 1879 the following special instructions apply:—

21. After the measurements and classification of land have been completed and recorded, the duty of the settlement officer will be to assess the rents which shall be recorded as demandable under Bengal Act VIII of 1879, *first*, from the rayats, *secondly*, from the under-tenants. "Under-tenants," it must be remembered, are the tenure-holders and under-tenure-holders of the Tenancy Act, and not the same as under-raiyats.

22. Section 5, Bengal Act VIII of 1879, requires that the rent recorded as demandable from each raiyat shall except, as otherwise provided in the Act, be in accordance with the general rates sanctioned, or subsequently approved for adoption in the settlement, by the Revenue authorities from time to time, empowered in that behalf by the Lieutenant-Governor. The authorities thus empowered are named in Chapter X, clause 2.

23. It is not necessary that settlement officers proceeding under Act VIII (B.C.) of 1879 should hear or decide cases as civil suits. They have to prepare tables of rates, classify tenants, ascertain and record the rents demandable, and when the rent recorded as demandable from an occupancy raiyat is more than that previously paid by him, they must publish a jamabandi as required by section 7, and specify in such jamabandi the clause or clauses of section 6 under which the raiyats' rent has been enhanced. If the rent is enhanced under more than one of clauses, the amount of the enhancement due to each of the causes mentioned in section 6 should be specified.

24. There may be an increased demand under clause 5 as well as under any one of the four preceding clauses of section 6, but the enhancement of the rent of the same land, to be legal, must be completely justified by some one of the four first clauses, with or without clause 5. If an increased demand is recorded on the ground of rise in prices, the proportion between the new rent assessed on each individual raiyat and his former rent must be warranted by the increase,

in the price of produce, and it is no answer to a raiyat whose rent has been enhanced beyond that proportion to say that the average enhancement of the whole pergunnah, or village, is less than might legally be enforced.

25. When the land the rent of which it is sought to enhance consists of more than one plot, it is not sufficient to specify all the grounds of enhancement mentioned in section 6, Act VIII (B.C.) of 1879. The particular ground or grounds on which each separate plot is liable to enhancement must be specified. This, however, is not so if the same ground or grounds apply to every plot the rent of which is sought to be enhanced. The jamabandi showing the amounts of enhanced rents must be published strictly in accordance with the provision of section 9 of the Act, and proof of such publication must be forthcoming.

26. No such jamabandi can be published until the rates have been sanctioned by the Revenue authority empowered to sanction them (section 5 of the Act).

27. It will be desirable that the rates should be sanctioned and the jamabandis published for a few typical villages at an early stage of the operations, for the proceedings cannot be considered final till four months shall have elapsed from the date of publication of the jamabandi, and it (*vide* section 10) is expedient that any questions that are likely to arise should be authoritatively and finally settled at the earliest possible date in one or two villages, or pergunnahs, for guidance in other villages or pergunnahs.

28. The general rates should not be rigidly and mechanically applied to every field. In ryotwari assessments, such as are ordinarily made in Bengal, due regard should be paid to the considerations noticed in rule 9 of this Chapter, as effecting the determination of a fair and equitable rent.

29. The above rules for determining the rents of raiyats are, of course, not applicable to holders of mokurari and istumrari ryotti tenures, or to other raiyats who are protected by law against enhancement.

30. Besides the rents of the raiyats, it will be the duty of the settlement officers to record the rents demandable from the under-tenants, or intermediate tenure-holders, with reference to section 7, Bengal Act VIII of 1879.

Chapter V.—Record-of-Rights.

In districts in which the Tenancy Act is in force.

1. When the area under settlement is situated in districts in which the Bengal Tenancy Act is in force, the rules made by the Local Government under the Tenancy Act for the determination and record of the status of proprietors, tenure-holders, raiyats, under-raiyats and generally of tenants of every degree, will apply, whether the proceedings are carried on under Chapter X of that Act or under Regulation VII of 1822.

Where the Tenancy Act is not in force, but Act VIII (B.C.) of 1879 is.

2. When the area under settlement is situated in a district in which Act VIII (B.C.) of 1879, and not the Tenancy Act, is in force, the settlement officer will be guided by the provisions of Act VIII (B.C.) of 1879 and of the rent laws in force in

the district, in determining the status of tenants and amount of rent to be recorded as demandable from them.

Rights of tenure-holders and raiyats of every degree to be recorded in all cases.

In all settlements, whether under the Regulations, Act VIII of 1879, or under the Tenancy Act, the rights of tenure-holders and of raiyats and under-raiyats of every degree should be ascertained and recorded.

Record-of-rights of tenure-holders.

Tenure-holders.

4. A tenure-holder, as defined in the Tenancy Act, section 5 (1), means primarily a person who has acquired from a proprietor or from another tenure-holder a right to hold land for the purpose of collecting rents or bringing it under cultivation by establishing tenants on it, and includes the successors in interests of persons who have acquired such a right. Under section 5 (5) where the area held by a tenant exceeds one hundred standard bighas, the tenant shall be presumed to be a tenure-holder, till the contrary is proved. The classes of tenants who are denominated "tenure-holders" under the Tenancy Act are styled "under-tenants" in Act VIII of 1879 (section 3). Both these terms mean practically the same thing, and apply to holders of tenures intermediate between the Government and the raiyat other than the proprietor.

Settlement officers, whether proceeding under the Tenancy Act or under Act VIII of 1879, must determine the validity or otherwise, and record the incidents of every tenure and under-tenure.

5. When the area comprised in a tenure is situated in an estate which has never been permanently settled, no right to hold at a particular rate of rent can exist unless such right has been expressly recognised in settlement proceedings by a Revenue authority empowered by Government to make definitively or confirm settlements (section 191, Tenancy Act.)

6. Settlement-holders of estates which have never been permanently settled can create no tenures binding as against Government beyond the term of the settlement made with themselves.

7. In estates once permanently settled which have become the property of Government by escheat, or by ordinary purchase, and in which the Government has only succeeded to the rights of the late proprietor, all tenures which would have been binding on the late proprietor will be binding on the Government.

8. In estates purchased by Government at a sale for arrears of revenue, the Government possesses the power of voiding tenures protected by common registry, not possessed by private purchasers, but will ordinarily exercise only the same rights of voiding tenures as any private purchaser.

9. When a settlement officer finds tenures on a Government estate which are invalid for want of authority in the person who created them, he need not necessarily disregard the circumstances under which they were created. The creation of the tenure may have been *bonâ fide* or the good of the estate (as where jungle tracts have been cleared and

3-7-94.

4. ✓ " rent-paying " 3-7-94.

10.X "Under Regulations II of 1819 and IX of 1825 as modified by Regulation III of 1828." 3-7-94.

brought under cultivation) or the tenure-holder may have done good service. A report on every such case should be submitted by the settlement officer for orders to the Revenue authority to whom he is subordinate, specifying what would be a fair rent, assuming the tenure to be valid. The settlement officer is, however, bound to declare the tenure invalid, if it be invalid in law, and to fix a legally fair rent for it, leaving it to the superior authorities to allow favourable terms to the occupant if they think fit.

Procedure for resumption of invalid tenures when the proceedings are taken under the old Regulations or under Act VIII (B.C.) of 1879.

10. When the settlement operations are taken under the Regulations or the Regulations and Act VIII (B.C.) of 1879, proceedings to resume and assess holdings which are found to be held without payment of rent, or as mokurari, or invalid tenures in estates under temporary settlement, or resumed, or purchased for Government at sales for arrears of revenue, should be taken under Regulations IX of 1825 and II of 1819.

11. The settlement officer should issue the notice prescribed by clause 2, section 5, Regulation IX of 1825, in all cases where there is reason to believe that such tenures exist. After the expiration of the term specified in the section, the settlement officer should take up the claims in the manner enjoined by law, and, unless himself empowered to decide them, prepare the cases carefully for the Collector.

12. If the rent-free or mokurari title appears to be unimpeachable, the facts should be reported to the Commissioner, who will review them and record a proceeding, which will form part of the settlement record. If the Commissioner's proceedings confirm the settlement officer's or Collector's conclusion, no further proceedings will be taken—the tenure will be admitted to be rent-free or mokurari. Under Regulation I of 1829, Commissioners exercise the powers conferred on the Board by the above-quoted Regulations.

13. If, in the opinion of the settlement officer, the tenure is invalid, he shall report the case for the orders of the Commissioner, and and on receipt of orders confirming his decision he shall proceed to assess it under section 22, Regulation II of 1819, as modified by section 10, Regulation III of 1828.

14. No tenure should be brought under assessment in the course of settlement proceedings where the facts show that a civil suit for resumption would be barred by limitation.

15. No tenure, therefore, which has been held rent-free or at a fixed rent since the Permanent Settlement can now be assessed, and no resumed tenures are entitled to the favourable terms of settlement prescribed by clause 2, section 8, Regulation XIX of 1793. If in any case, however, the settlement officer thinks that favourable rates of settlement should be granted to the holder of a resumed tenure, he should report specially for the orders of the superior Revenue authority.

16. In escheated, forfeited, and other estates, where Government steps merely into the rights of a former proprietor, the provisions of

clause 6, section 2, and the 33* following sections of Regulation VII of 1822 are made applicable by clause 2, section 2, Regulation IX of 1825; but the provisions of that Regulation and of Regulation II of 1819 cannot be employed in such estates for the resumption of rent-free and other tenures under 100 bighas. The Collector must in such cases proceed by civil suit, and the onus is on him to show that at some time since the Permanent Settlement the tenure formed part of the mal assets of the estate, and that the suit is not barred by the law of limitation.

17. The resumption *for* Government of tenures over 100 bighas found included in such estates must also be effected by regular suit.

18. Under section 28, Act XV of 1877, at the expiration of the period limited by that Act to any person for instituting a suit for the possession of land, his *right* to such land becomes extinguished. In any estate, therefore, where Government succeeds only to the rights of a former proprietor, it has no right to sue for resumption in cases where its predecessor in estate was barred.

19. On the occurrence of resumption cases in settlements on a small scale, it will be sufficient to enter them in Register 8 of miscellaneous cases. The third heading of that register (Abstract of case) will admit of all the details which were shown in the headings of Register 3 since closed, being exhibited. As the Board's sanction to the institution of resumption proceedings is no longer required, heading 6 of closed Register 3 need not be reproduced in the "Abstract of case." When settlement proceedings are undertaken on a larger scale, it will be desirable to make a separate statement, in the form of the closed Register 3, of the resumption proceedings conducted in connection therewith

Procedure for disposal of claims when the proceedings are under Chapter X of the Tenancy Act.

20. When the record-of-rights is being made under the Tenancy Act, and any question arises regarding the validity of claims to hold land rent-free, the settlement officer must adjudicate on the question according to law as in a civil suit.

21 In temporarily-settled estates the property of individuals, difficulties have frequently arisen from tenures having been created by the proprietors, and in some instances by farmers, to extend beyond the period for which the settlement of land revenue has been made with them. These tenures, though they may be binding against the proprietors or settlement-holders, are not binding against Government, and will now be governed by sections 191 and 192, 104 (2), and 101 (*d*) of the Tenancy Act.

Record-of-rights of raiyats and under-raiyats.

Where the Tenancy Act is in force.

22. The rules for record-of-rights of raiyats and under-raiyats in districts in which the Bengal Tenancy Act is in force will be found in the rules made by Government under that Act (Appendix A).

* NOTE.—Sections 22, 25 and 27 of Regulation VII of 1882 have been repealed by Act XI of 1876.

20. "When the record of rights is being made under the Tenancy Act, if the claim of any person who occupies land within the ambit of the estate under survey to hold such land as rent free and not as a tenant is disputed, the Revenue Officer cannot assess the land to rent until the relationship of landlord and tenant between the occupier and the person who disputes the claim is proved to exist." 3-7-94.

23. Where the Tenancy Act is not in force, the classification of tenure-holders, raiyats and under-raiyats must be made generally in accordance with the provisions of the Rent Law in force in the particular district.

Where the Tenancy Act is not in force.

24. Where the Bengal Tenancy Act is not in force, twelve years' possession of each separate plot is, in strictness, necessary in order to entitle the tenant to occupancy rights in each such plot; while in districts in which the Tenancy Act is in force, twelve years' possession of any one plot in the village gives occupancy rights in all lands held by a raiyat as such in that village.

25. Settlement officers may, however, in making settlement of Government estates in districts in which the Tenancy Act is not in force, allow the raiyats the benefit of the provisions of the Tenancy Act, in the matter of classifying tenants, that is to say, they may allow occupancy rights in all lands possessed by a raiyat in a village, if he has held any land in the village for twelve years as a raiyat.

Record-of-rights in common lands, waste, fisheries, forest products.

26. In all important settlements, whether under the Tenancy Act or under Act VIII (B.C.) of 1879, a record should be made of village customs as regards rights in pasture and waste lands, forest, fisheries, customs as to payment of village officials, &c., and the like.

Interchange of pottahs and kabuliyats, and furnishing copies of entries relating to holdings.

27. When a settlement of land revenue is being made in any local area in respect of which an order for making a survey and the preparation of a record-of-rights has been passed under section 101 of the Tenancy Act, a fair rent must be settled for every tenure and holding [section 104(2)], and the fair rents so settled for occupancy raiyats cannot, save under the exceptional circumstances mentioned in section 113, be altered for a period of fifteen years, nor can the rents of non-occupancy raiyats thus settled be altered for a period of five years.

Interchange of pottahs, and furnishing extracts from the jamabandi where the Tenancy Act is in force.

28. A copy of the khatian, khasra, or entries relating to the tenure or holding will, therefore, have the effect of a pottah for the period above specified, and such copy should invariably be given to every tenant who applies for it.

29. The jamabandi when duly published under section 105 of the Tenancy Act is binding on the tenants unless altered in appeal by the Special Judge, and it is not therefore necessary to take kabuliyats from raiyats when rents are recorded or settled under Chapter X of the Tenancy Act.

30 When rents are enhanced by agreement and not by proceedings under Chapter X of the Tenancy Act in districts in which that Act is in force, the agreement must be in writing and registered, and the enhancement must not, under section 29 of the Tenancy Act, exceed two annas in the rupee, save in the cases specified in the provisos to that section.

31. Where the settlement proceedings are carried on under Act VIII (B.C.) of 1879, the rents recorded as demandable are not liable to enhancement for a period of ten years from the date on which the settlement took effect (section 13), while the tenants are liable to pay the rents recorded, unless and until they prove in the civil courts that the rents so recorded have not been assessed in accordance with the provisions of the Act. An extract from the jamabandi will therefore answer all the purposes of a ten-years' pottah as regards the protection of the tenants, while it is not necessary to take kabuliyats in order to safeguard the public revenue.

Where the Tenancy Act is not in force.

32. If, however, the raiyats desire to take pottahs instead of extracts from the jamabandis, such pottahs may be given, in Government estates, as a matter of course. The term for which they are to be granted must depend on circumstances. The object to be kept in view is to afford full encouragement to the spirit of improvement When the raiyats are persons of some substance, and the land is in such a condition that no further improvement is to be looked for, without the outlay of capital, leases should be long in order to encourage the outlay of capital. So also when the land is overrun with jungle, and much labour is necessary to clear it, long leases may be given.

33 In all cases where a settlement is being made, whether pottahs and kabuliyats are interchanged or not, all the entries relating to his tenure or holding should be carefully explained to every tenant before publication of the jamabandi, and objections should be enquired into and, if possible, amicably settled.

CHATTER VI.—PROVISION FOR POLICE, ROADS, PUTWARIS, &c.

1. In the settlement of some estates it may still be necessary to provide for the performance of the duties, incumbent on zemindars generally, of giving notice of the occurrence of offences against the law and aiding the police in the apprehension of offenders. The settlement officer must in such cases make an adequate provision for the maintenance of such subordinate officers as may be required for this purpose. The provisions of recent legislation, such as the Bengal Chowkidaree Act, make this necessary in estates or tenures in which that Act has been introduced and is working to the satisfaction of the Magistrate.

Police.

2. Where a special provision for village police is necessary, the Magistrate will, on application, inform the settlement officer whether the provision should be in land or money, and what number of police are required for each village. On receipt of this information, the settlement officer should assign as much land or money to each chowkidar or other village officer as the Magistrate, after obtaining the sanction of the proper authorities, may request him to assign.

3. With reference to Bengal Act VIII of 1862, no provision need be made in Government estates, any more than in estates the property of private individuals, for the performance of the district postal service. Under the Act, if the estate is farmed, the rate is payable by the farmer: and when an estate is held under the direct management of the Collector, no rate is leviable.

Postal service.

CHAPTER VI.

Rules under section 189 *of the Bengal Tenancy Act as to the procedure to be followed by Revenue Officers in regard to the Record of Rights and Settlement of Rents.*

1. (*a*) Every Revenue officer appointed under the designation of "Settlement Officer" or "Assistant Settlement Officer" for the purpose of making surveys, record of rights, settlement of rents, determination of proprietors' private lands, and such like proceedings, or any one or more of them under the Tenancy Act, is hereby vested with all the powers exercised by a Civil Court in the trial of suits, and with the powers mentioned in section 189 (1) (*b*) and (*c*) of the Tenancy Act VIII of 1885.

(*b*) A Revenue Officer who, under the designation of a Settlement Officer, has been appointed for the purpose of making a survey and record of rights and settlement of rents under Chapter X of the Bengal Tenancy Act VIII of 1885, shall have power to make over applications for settlement of fair rents made under section 104, or objections preferred under section 105 of the Act, or dispute cases instituted under section 106 of the Act to the officers subordinate to him, who have been duly empowered under the designation of Assistant Settlement Officers to act as Revenue officers under the provisions of the same chapter of the same Act.

(*c*) On the application of either party, after giving notice to the other party interested and hearing objections preferred, if any, or of his own motion without giving such notice, a Revenue officer so appointed under the designation of Settlement Officer shall have power to withdraw from the file of any Revenue officer (designated Assistant Settlement Officer) who is subordinate to him any such applications made under section 104 or objections preferred under section 105 or dispute cases instituted under section 106 of the Bengal Tenancy Act, and to dispose of such applications, objections, or dispute cases himself, or to transfer them for disposal to another officer similarly subordinate to him, who is duly empowered to act as a Revenue officer.

2. Deputy Superintendents of Survey and Assistant Superintendents of Survey employed in operations under these Rules are hereby declared to be Revenue officers for the purpose of performing any duty imposed upon them by these Rules, or by instructions consistent with these Rules, issued by the Board of Revenue. They are hereby vested with the powers specified in section 189 (1) (*b*), provided that an Assistant Superintendent shall not exercise the powers vested in a Superintendent under the Bengal Survey Act.

Procedure for Cadastral Survey, Record of Rights, and Settlement of Rents.

3. The following processes will ordinarily be comprised in a cadastral survey, record of rights, and settlement of rents:—

I.—Demarcation of boundaries.

II.—Measurement.

III.—Khanapuri, *i.e.*, preliminary preparation of the record.

IV.—Attestation of the record.

V.—Settlement of fair rents under section 104 of the Bengal Tenancy Act.

VI.—Draft publication of the record of rights.

VII.—Disposal of objections and trial of disputes, under sections 105 and 106 of the Tenancy Act.

VIII.—Final publication of the record of rights.

I.—Demarcation of Boundaries.

4. (*a*) In the demarcation of village boundaries care shall be taken to preserve, as far as possible, for the unit of survey and record, the area contained within the exterior boundaries of the village maps of the revenue survey.

(*b*) Where there is no dispute the boundary of the village according to possession should be followed, and where that boundary does not differ substantially from the boundary of the revenue survey, the latter need not be separately shown in the map.

(*c*) Where there is considerable difference between the boundary according to the revenue survey map and the existing boundary of the village as ascertained by the Revenue officer, the latter should be followed for the purposes of map and record; but the boundary of the revenue survey map should also be marked on the new village map.

(*d*) Where there is dispute as to village boundaries, the Revenue officer shall decide the dispute under the Bengal Survey Act, V (B.C.) of 1875.

5. Boundary pillars of a permanent nature shall be erected at every point where the boundaries of three or more villages meet, and may be erected wherever the Revenue officer considers it necessary to define by pillars the boundaries of estates or tenures, or of lands which have been the subject of dispute.

II. Measurement.

6. A field map of every village shall be prepared. It shall show the boundaries of every field separately assessed to rent, or of such plot of land as the instructions of the Board of Revenue for giving effect to these Rules may lay down.

III.—Khanapuri, *i.e.*, Preliminary preparation of the record.

7. Settlement records made under Chapter X of the Tenancy Act shall be prepared in such manner as the Board of Revenue may prescribe, and shall consist of the following principal documents:—

Village map;	Khewat;
Khasra, *i.e.*, field index;	Khatian;

Tirij;

and any other papers which the Board of Revenue may prescribe.

Board's Instruction.

While the writing of the khasra proceeds, extracts therefrom known as parchas, shall be prepared in such form as the Board may prescribe and shall be distributed to the occupants of the lands entered in the khasra, in order that they may be informed from the first as to the entries which are being made in the records.

8. The record of rights, which shall be published under section 105 of the Tenancy Act, shall be contained in the khewat and the khatian.

9. (*a*) The proprietary khewat shall show the character and extent of proprietary interests; and, when there are large tenure-holders, the character and extent of whose interests may, in the opinion of the Revenue officer, require it, such interests shall be recorded in a similar form in addition to being recorded in the khatian.

(*b*) The khewat of proprietary interests shall first be drawn up in accordance with the registers maintained by the Collector under the provisions of the Land Registration Act, VII (B.C.) of 1876. As the record-writing proceeds, the proprietary khewat shall be corrected in accordance with the facts of possession.

10. (*a*) The khatian shall show in detail for all the lands of the village, estate by estate, landlord by landlord, and occupant by occupant, the lands included in each estate, owned by each landlord, and occupied by each tenant, with particulars of rent and of the incidents of each tenancy.

(*b*) Lands cultivated or otherwise held direct by the proprietor shall be shown in detail in the khatian, and shall be entered

either as proprietor's private land, or as land held by the proprietor but not private land, in accordance with the provisions of Chapter XI of the Tenancy Act.

Board's Instruction.

The record of rights of tenure-holders and under-tenure-holders should be prepared in the same manner and form as the record of raiyats' rights, where the tenure is of a raiyati character, such as that of a head raiyat who, though a tenure-holder, cultivates part of his tenancy himself, and in the same manner and in similar form to the record of proprietary interests, where the tenure is of a proprietary character, such as that of a putnidar, thikadar, izaradar or other proprietary assignee.

IV.—ATTESTATION OF THE RECORD.

11. (*a*) When the map, khasra, khewat, and khatian for a village have been prepared in such manner as the Board of Revenue may prescribe, the Revenue officer shall issue a notification in such form as may be approved by the Board, fixing a day, which shall be not less than a week from the date of issue of the notification, on which he will be present at some place to be specified, at or near the village, for the purpose of attesting and completing the record of rights.

Board's Instruction.

The usual practice should be to allow *one month's* interval between the date of issue of notification and the commencement of attestation.

(*b*) The notification shall further state that on the day so fixed, or on any other day to which the proceedings may be adjourned, the Revenue officer will proceed to record rents when the circumstances are such as are specified in section 104 (1), and to receive applications for the settlement of fair rents; and it shall require all parties interested in the subject-matter of the enquiry to attend at the time and place specified with such evidence as they have to offer in connection with the proceedings.

(*c*) Such notification shall be published by proclamation and beat of drum, and fixed up in the presence of not less than two persons in some conspicuous place in the village to which it refers.

12. The Revenue officer may also, if he deem fit, take such additional measures under the powers conferred on him by Rule 1 of this chapter as may be desirable to procure the attendance, at the place specified in the notification to be issued under the last preceding rule, of the under-raiyats, raiyats, tenure-holders, landlords and proprietors, or their authorized agents.

13. On the date specified in the notification to be issued under Rule 11, or on any other date to which the proceedings may be adjourned, the entries which have been made in the khewat and in each tenant's khatian shall be read out in the presence of such of the interested parties as are in attendance. If the correctness of any entry is disputed, the Revenue officer shall settle the dispute after local enquiry or otherwise; provided that if the correctness of the measurement is called in question, and a fresh measurement be demanded, the Revenue officer may require the costs of the remeasurement to be deposited. If the remeasurement show the original measurement to have been inaccurate, the amount deposited shall be refunded to the objector.

14. The Revenue officer shall ascertain what raiyats claim the right to hold at fixed rates or fixed rents, explaining, as far as may be necessary, the provisions of the Act in this respect. If the right claimed is disputed by the landlord, the Revenue officer shall call on the claimants for proof of such right.

Board's Instruction.

When a raiyat claims to hold at a fixed rate or fixed rent, and the claim is not admitted by his landlord, the Revenue officer shall explain to the raiyat the provisions of section 50 of the Tenancy Act; and shall call upon the raiyat for proof that his rent has not been changed for 20 years.

15. The Revenue officer shall ascertain which of the raiyats are settled raiyats or occupancy raiyats, as the case may be, and shall record them as such, having regard to the presumption of section 20(7) of the Tenancy Act in favour of the settled status.

16. The Revenue officer shall ascertain what raiyats are non-occupancy, and to this end he shall be entitled to call upon the landlord or his agent to produce a statement showing the names of the raiyats alleged by him to be non-occupancy raiyats. On production of such statement, the Revenue officer shall explain

to the raiyats whose names are entered in the statement, and who have not already been recorded as occupancy or settled raiyats, the nature of the presumption raised by section 20(7) of the Act. If, after such explanation, a raiyat admits himself to be a non-occupancy raiyat, he shall be recorded as such. If he does not admit himself to be a non-occupancy raiyat, the Revenue officer shall call on the landlord to prove the allegation made by him in regard to such raiyat.

17. Abwabs shall not be recorded. Cesses which are authorized by law shall be recorded separately from the rent in the khatian.

18. The Revenue officer shall summarily ascertain the tenant's present rent, and record it in the appropriate column of the khatian as the rent payable in respect of the land held by the tenant.

19. When the record of rights and of existing rents has been prepared and attested in the manner prescribed in rules 11 to 18 above, and when the record shall have been arranged and corrected in accordance with the orders which the Revenue officer may have passed, he shall record a proceeding in which he shall state that attestation of the records of the village has been completed; and shall publish a notification in the village stating that a period, not less than one month, is allowed during which applications for the settlement of fair rents may be filed. But in special cases the Revenue officer may exercise his discretion as to receiving such applications on a date outside of this limit up to the time of draft publication.

V.—Settlement of fair rents under Section 104 of the Tenancy Act.

20. When the landlord or tenant applies for the settlement of a fair rent, he shall be considered as plaintiff and the opposite party as defendant, and the Revenue officer shall proceed as is directed in rules 24 to 28 following.

21. If it appears on legal evidence adduced before the Court that a tenant is holding land in excess of, or less than, that for which he is paying rent, the Revenue officer shall proceed to fix a fair and equitable rent for the holding under section 104(2) and (3).

22. When the estate or tenure belongs to, or is managed by, the Government or the Court of Wards, the procedure laid down in

these rules for recording or settling rents shall be followed, the Government or the manager of the estate or the tenure respectively, as the case may be, being regarded as the landlord.

23. (*a*) When, in accordance with section 104 (2) read with section 101 (2) (*d*) of the Tenancy Act, a settlement of land revenue is being made in respect of any lands, it shall be the duty of the Revenue officer to record a proceeding for each village in such form as may be approved by the Board of Revenue, setting forth that on a date named and at a place named he will settle fair rents in respect of all estates, tenures or holdings, and for unsettled lands included in such village.

(*b*) A schedule may be appended to the proceeding, giving the names and numbers of all estates, tenures and holdings paying revenue or rent to Government, and particulars of unsettled lands for which rent will be settled.

(*c*) Such proceeding shall be sufficient authority for making a settlement of all rents within such estates, tenures or holdings, and it shall not be necessary to state that Government or the Secretary of State is plaintiff, or to join any landlord as co-plaintiff, or to draw up any plaint or application.

(*d*) It shall not be necessary to register such proceeding as a plaint under section 58 of the Code of Civil Procedure, but applications made by landlords or tenants for settlement of fair rents shall be so registered.

24. When (1) a landlord or tenant applies for the settlement of a fair rent, or (2) in any case in which a Revenue officer engaged in the settlement of the land revenue proposes to alter an existing rent, notice shall be given in the following manner to persons interested :—

Notices.

(1) In the case of an application made by the landlord or tenant, notice shall be served on every person interested in the application, together with a copy of the application or extract therefrom or summary thereof so far as the application concerns such person.

Board's Instruction under Rule 24(1).

If only one person is interested in the application, a copy should be served on him; if more than one, an extract, containing

such particulars as concern him, should ordinarily be served on each person. If a summary only is given, the Revenue officer should satisfy himself that such summary contains all that it is material for the parties interested to be informed of.

(2) In the case of a settlement of the land revenue, a copy of the proceeding prescribed in rule 23 shall be served by proclamation and beat of drum, and by posting it in the presence of not less than two persons in some conspicuous place in the village comprising the lands under settlement. Proof of service of such notice at least one week previous to the date fixed for settlement of fair rents shall be sufficient notice to all persons concerned.

25. With the consent of the Revenue officer, any number of tenants occupying land under the same landlord in the same village may make a joint application for the settlement of rents, or may be joined as defendants in the same proceeding on a similar application by the landlord; or when settlement of the land revenue is being made under section 101(2) (*d*), the Revenue officer may of his own motion join all landlords and tenants in a village in one proceeding; provided that if at any time it shall appear to the Revenue officer that the question between any two of the parties of whom one is so joined with others cannot conveniently be so jointly tried, he may order a separate trial to be held of that question, or he may pass such other order, in accordance with the Civil Procedure Code, for the joint or separate disposal of the application as he may think fit.

26. (*i*) On the date fixed for settlement of fair rents other than those connected with settlements of the land revenue, or on any subsequent date to which the proceeding may be adjourned, the Revenue officer shall proceed to read, or cause to be read, aloud the name of each tenant whose rent has to be settled, the area of his tenancy, the existing rent, the rent applied for, if any, the ground stated for enhancement or reduction, and shall ask the landlord and tenant, if they are present, whether the new rent applied for is accepted.

(*ii*) In the case of settlement of rents in connection with a settlement of the land revenue on the date fixed, or on any subsequent date to which the proceeding may be adjourned, the Revenue officer shall proceed to read, or cause to be read, aloud the name of each tenant whose rent has to be settled, the area of

his tenancy, and the existing rent, and shall propose a rent for the acceptance of the landlord and tenant concerned, and shall ask them, if they are present, whether the new rent proposed is accepted.

(*iii*) In cases under both (*i*) and (*ii*)—

(*a*) if the landlord and tenant be present, and if both accept, in case (*i*) the rent applied for, in case (*ii*) the rent proposed, the Revenue officer shall record their acceptance, and if in his opinion that rent be fair and equitable and in accordance with the provisions of the Tenancy Act, he shall settle it accordingly. If the Revenue officer does not consider the rent fair and equitable, he shall proceed to fix a fair and equitable rent;

(*b*) where landlord or tenant does not attend after due service of notice has been proved, the procedure will be *ex parte*;

(*c*) where a landlord or tenant appears and does not accept, in case (*i*) the rent applied for, in case (*ii*) the rent proposed, the Revenue officer shall record evidence in the manner prescribed in clause (*f*) of section 148 of the Bengal Tenancy Act for trial of rent suits, and shall settle a fair and equitable rent according to law; provided that in important cases the Revenue officer may in his discretion record evidence at length.

(*iv*) Provided that when, in connection with a settlement of the land revenue, a Revenue officer proposes to alter an existing rent, and the parties have not attended in compliance with the general notice prescribed in rule 24(2), the Revenue officer shall serve each person interested with a special notice, and the *ex parte* proceeding, referred to in sub-rule (*iii*) (*b*), shall not be held until after due service of such special notice has been proved.

Board's Instruction.

The rent proposed shall be such rent as shall appear to the Revenue officer to be fair and equitable, and shall be based on an examination of existing rents, prevailing rate or prices of produce and on such other enquiries as can properly be made beforehand.

27. It shall not be necessary for a Revenue officer to draw up a separate decree with regard to the fair rent settled; but the entry made in his decision or schedule attached thereto with regard to the fair rent settled shall be held to be a decree.

28. When a fair and equitable rent has been fixed under the preceding rules, it shall be entered in the khatian as the rent payable in respect of the holding.

VI.—Draft Publication of the Record of Rights.

29. (*a*) When the period prescribed by the notification issued under rule 19 has elapsed, and when all proceedings for settlement of fair rents have been completed in the manner laid down in rules 20 to 28, a notice shall be posted up at the landlord's office in the village or in the presence of not less than two persons, in some conspicuous place in the village, stating that the draft of the record will be published in the village on a day to be specified, not less than a week from the date of such notice, and calling on all persons interested to attend on the date so specified.

(*b*) On the date fixed for draft publication, the Revenue officer shall either proceed to the village himself, and read the contents of the record in the presence of the parties who attend, or he shall depute an officer, not below the rank of kanungo, who shall read out the contents of the record in the presence of so many of the parties as attend, and the Revenue officer or officer deputed by him, as the case may be, shall at the same time inform the parties who attend that the draft record will be open for inspection for not less than one month in the office of the Revenue officer, or in such other convenient place as the Revenue officer may determine. The Revenue officer shall receive and consider any objection which may be made to any entry during the period named.

Board's Instruction.

In the case of large settlements or when a large estate is concerned, the Revenue officer should allow the draft record to remain open to inspection for a longer period than one month, and should receive and consider objections preferred within such period.

VII.—Disposal of objections and trial of disputes under Sections 105 and 106 of the Tenancy Act.

30. (*a*) When an objection is made before the expiry of the period of publication of the draft record prescribed under rule 29(*b*) above, regarding the correctness of an entry or as to the propriety of any omission, notice of the objection shall be served on all persons whose interests may, in the opinion of the Revenue officer, be affected thereby, and they shall be called upon to attend at such time and place as the Revenue officer may fix for the disposal of the objection. If no person attends to contest the objection, the record may be amended accordingly, or the person who made the objection may, if the Revenue officer thinks fit, be called upon to produce evidence in support of his objection, which shall in that case be dealt with summarily.

(*b*) When a dispute arises before the final publication of the draft record as to the correctness of an entry (not being an entry of a rent settled under section 104 of the Act), or as to the propriety of an omission, the proceeding shall be dealt with as a suit between the parties under section 106 of the Tenancy Act, in which the person objecting to the entry or to the omission which the Revenue officer has made or proposes to make or to maintain shall be plaintiff and the other parties defendants.

VIII.—Final Publication.

31. When all applications for settling a fair rent have been disposed of, and all objections and disputes of the nature mentioned in rule 30 have been decided by the Revenue officer, he shall make in the appropriate columns of the khewat or khatian such corrections and additions as are required to carry out the orders passed in regard to those applications, objections and disputes. He shall then finally frame the record and cause it to be published by notifying that its contents will be read out in the village on a date to be specified not less than a week from the date of such notice, and by reading it out himself or causing it to be read in the village on the date so specified, in the manner prescribed in rule 29(*b*), in the presence of the parties or of so many of them as attend.

Provided that it shall be open to the Revenue officer in his discretion to publish finally such part of the record as is not affected by any dispute, the remainder of te record being published when the disputes have been disposed of.

SUPPLY OF COPIES OF THE RECORD OF RIGHTS TO PARTIES INTERESTED.

32. (*a*) The Revenue officer having completed the record shall cause copies of it to be made, one of which, or extracts from which, will be made over to the landlord concerned or, where there are more landlords than one, to their common agent or common manager, as the case may be, and one to the Collector of the district.

Board's Instruction under Rule 32(*a*).

In cases in which there are more landlords than one, who have not a common manager, a copy may be given to the owner of the largest share, or to such person among the landlords as the landlords may select or the Revenue officer may think most suitable.

(*b*) An extract from the khatian relating to his tenancy shall be given to every tenant under the seal of the Revenue officer and under the signature of an officer duly authorized by the Revenue officer to give copies.

(*c*) Copies of records supplied to landlords and tenants under this rule shall be given free or on payment according as in the case of each local area the Local Government may direct. When payment is required, the sums so recovered shall be adjusted against the expenses incurred on account of survey and settlement.

FINAL REPORTS.

33. The Local Government may, if it thinks fit, direct that a final report be written in English for each village and each local area under survey. The report for the village will show—

(*a*) The number of tenants of each class with the area held and rental paid by them.

(*b*) The area and classification of the village lands.

(*c*) The rental before settlement and according to settlement, and the number of fair rents settled judicially, with explanation of increase or decrease.

(*d*) When settlement of land revenue is being made, the amount of Government revenue, before and after resettlement, grounds of assessment, and comparison of gross assets with new assessment.

(*e*) The rates of rent prevailing.

(*f*) Proximity to markets, and facilities for irrigation.

(*g*) Village customs, including customs as to payment of village officials.

(*h*) Arrangements made for maintenance of records.

(*i*) Other matters deserving of notice which have been excluded from the record of rights.

The report for the whole area under survey will contain the following particulars :—

I.—General description of the tract.

II.—Its fiscal history.

III.—Statistical results.

IV.—Comparison of condition of the tract as regards rentals before and after survey.

V.—Financial results, including approximate division of expenses under the heads—

(*a*) Survey.

(*b*) Record of rights.

(*c*) Preparation and distribution of records.

Board's Instruction under Rule 33.

This report should also show the custom regarding the transferability or otherwise of occupancy holdings. Mention should also be made of any illegal *abwabs* which may have been found to be in existence before the preparation of the record of rights, but which were struck off.

APPLICATIONS UNDER SECTION 103 FOR SURVEY AND RECORD OF RIGHTS.

34. These applications shall be made to the Collector of the district.

35. The application shall specify—

(*a*) The status of the applicant, viz., whether he is a proprietor or a tenure-holder, and the particulars in respect of which the application is made.

(*b*) The number of tenants (so far as the applicant is able to state it) occupying the estate or tenure, or part thereof in respect of which the application is made, the total rent payable by them at the time, and the estimated area covered by the application.

36. If the application is made by a proprietor, it shall not be admitted unless the name of the applicant and the extent of his interest are registered under Act VII (B.C.) of 1876.

37. On receipt of the application, the Collector shall forward it to the Commissioner with any remarks which he may think necessary.

38. The Commissioner may call for further information, or may require the application to be amended.

39. If the Commissioner considers that the application cannot be granted with advantage to the interests of all persons concerned, he may reject it. If he approves it he shall forward the application with an expression of his opinion for the orders of the Board of Revenue.

40. A Commissioner rejecting an application shall record his reasons for doing so, and the applicant, if dissatisfied with the order, may appeal within one month to the Board of Revenue.

41. When an application is referred to the Board under rule 39, or an appeal preferred under rule 40, the Board shall pass such orders as it may think fit for allowing or rejecting the application.

42. The Board, when allowing an application, shall report to Government with a view to the deputation of an officer and the conferment of the necessary powers upon him.

43. As soon as an application is allowed, the Collector shall call upon the applicant to deposit eight annas per acre of the estimated extent of the estate or tenure or part thereof in respect of which the application has been allowed. If the Collector is unable to estimate the area, he shall require a deposit at the rate of Rs. 2 for each tenant. If the amount does not exceed Rs. 500, the applicant must deposit the whole amount in advance. If it exceeds Rs. 500, the applicant shall deposit the sum of Rs. 500, and shall give such security as the Collector may require for

the payment of the balance of the deposit in such instalments as the Collector may from time to time demand.

If the amount deposited as above proves more than sufficient to cover the cost of the proceedings, the unexpended balance will be refunded on their termination.

If the amount deposited proves insufficient to cover the cost, the applicant shall, when required by the Collector, deposit from time to time such further sums as the Collector may think necessary for the completion of the proceedings. If he shall fail to do so, the proceedings may be stopped and the order allowing the application cancelled.

44. In conducting the operations, the Revenue officer shall proceed in accordance with the rules for the guidance of officers acting under orders made under section 101.

Form of Notice under Rule 11 (*a*), *Chapter VI, of the Tenancy Act Rules.*

NOTICE to the proprietors, tenure-holders, landlords, raiyats, and under-raiyats of—

Village		Thana
Pargana		District

TAKE notice that under the powers vested in me by the Bengal Tenancy Act, VIII of 1885, and the Rules made thereunder, I shall, on the day of 18 at proceed to attest and complete the record of rights in the above-mentioned village. I shall also at the said time and place, or at such other time to which the proceedings may be adjourned, proceed to record rents when the circumstances are such as are specified in section 104 (1) and to receive applications for the settlement of fair rents.

Furthermore, notice is given that should it then appear that any tenant is holding land in excess of or less than that for which he is paying rent, I shall, in accordance with the said section of the Tenancy Act, proceed of my own motion to settle a fair and equitable rent for such tenant's holding.

You are hereby required to attend before me at the abovementioned time and place, or at any other time and place to which

4. It is unnecessary to make any provision for repairs or maintenance of roads, these being now constructed from District Road Funds where the Cess Act is in force, or contributions from other sources where the Cess Act is not in force. This rule does not affect the question of reserving lands for roads where required, or of showing existing village and other roads in the maps and survey records, which should as a matter of course be always done.

Roads.

5. When the estate or tenure is large enough to permit of the expense, provision should invariably be made for the maintenance and correction of the maps and records, so that they may be written up to date from time to time, in accordance with such rules as the Board may prescribe in this behalf, and also in order that the harassment and expense of remeasurements and resettlements may be obviated.

Putwaris and maintenance of records.

(*a*) In estates held khas, arrangements should be made to have this work done through the agency of putwaris, where they exist, and where they do not exist, through the collecting agency, or, where necessary, by an agency to be appointed for the purpose, by whatever denomination it may be called.

(*b*) In estates the property of Government which are not held khas, before granting a lease or farm, an officer should be appointed by the settlement officer to be putwari with an assignment for maintenance in money or land, the amount or extent of which should be fixed by the settlement officer. The farmer should be bound by the terms of his lease, if the assignment is in money, to pay this officer his salary, and in every case to furnish him with all the information requisite in order to enable him to correct and maintain the records according to the rules prescribed by the Board in that behalf, failing which the lease should be declared liable to cancelment. The lessee may be allowed to utilise the services of the putwari thus appointed in keeping accounts between himself and his raiyats, and in performing the other customary duties of patwaris.

(*c*) For temporarily-settled estates the property of private individuals, no fixed rule can be laid down. If the estate is to be farmed or held khas in consequence of the refusal of the proprietors to accept the settlement, the case may be dealt with under the rules applicable to Government estates. If the estate is to be settled with the proprietors, the Collector, before sanctioning the settlement, or when reporting it for sanction, should report fully the arrangements proposed to be made for the maintenance of the record.

6. Putwaris may be appointed under the preceding rule for one village each or for a circle of villages. They should, if possible, be local men, residents of their circles. The nett profits of lands assigned to them, where provision is made in land, should be equal to about five rupees per month.

7. Putwaris before their appointment should qualify themselves in surveying, for learning which, free of cost, opportunities will be furnished them on application to the Director of Land Records.

8. A separate putwari should be appointed, and provision should be made for his support in the manner indicated in the preceding

rules in every estate or group of neighbouring estates having a rental of Rs. 2,000 or upwards.

9. Where, as in parts of Behar, the putwari is paid by contributions from the raiyats, the practice may be allowed to continue, but in such cases a deduction of half an anna in the rupee, or 3⅛ per cent, should be made from the allowances specified in Chapter VII, Rule 6 *post*, which are granted to the settlement-holder, on account of management charges.

10. With reference to section 121 of the Bengal Famine Code, the settlement officers in all future settlements of Government and temporarily-settled estates in the Patna and Orissa Divisions are required to report whenever it may be found possible to appoint the village accountant (putwari) or some other suitable person to be "local officer" in respect of a village or other convenient area for the purposes of the Code.

11. On the next re-settlement of Orissa steps should be taken to form permanent relief circles under the charge of canoongoes.

Chapter VII.—Determination of Assets, Allowances, and the Land Revenue Demand.

1. The land revenue demand will be assessed on the assets of the estate which will consist of the aggregate of the rents recorded by the Settlement Officer as existing or as demandable when the proceedings are under Act VIII (B.C.) of 1879, or under Regulation VII of 1822 and the aggregate of the rents demandable as shown in the record published under rule 34, Chapter VI of the Tenancy Act rules, when the rents have been settled under the Tenancy Act, from (1) all the raiyats whose holdings are not included in tenures which are binding on the Government; (2) from all dependent talukdars and tenure-holders of the first degree whose tenures are binding on the Government, or of which the assets are recorded. Miscellaneous items of income, such as jalkar, phalkur, hât dues, and the like, should also form part of the assets when legally recoverable. When there are minerals, only the rents of mines existing at the time of settlement should be recorded and treated as part of the assets.

2. Careful discrimination will be required in distinguishing raiyats from tenure-holders as defined in section 5 of the Tenancy Act, and raiyats from under-tenants as defined in section 3, Act VIII (B.C.) of 1879; also in distinguishing tenures which are binding as against Government from those which are not so binding. Any deductions which may be necessary under Rule 6 below must be made from the assets before the revenue is assessed upon them.

3. Parcels under 50 bighas in one village released from assessment under Government order, dated 20th January 1841, must under the ruling of Government, dated 5th June 1843, continue excluded from the settlement of the rest of the tenure, so as not to be regarded as forming a part of it.

4. In an estate the property of Government the entire assets as described above will be at the disposal of Government, either to take as the land revenue demand, or to divide with any person with whom a contract arrangement may be made for the collection of the rents, in

the proceedings may be adjourned, and to produce such evidence, written or oral, as you may have to offer on the subject-matter of the proceedings.

Revenue Officer.

Form of Proceeding for settlement of fair rents in connection with a settlement of the land revenue referred to in Rule 23 (*a*) *of these rules.*

WHEREAS it is my duty as Revenue Officer, under section 104 (2), read with section 101 (2) (*d*) of the said Act, to settle a fair and equitable rent in respect of the lands of village or estate or tenure or holding, &c., in respect of which a settlement of land revenue is now being made in village of thana , it is hereby directed that notice be given in terms of this proceeding that on the day of at I shall proceed to fix fair and equitable rents for all lands included in such village or mahal, &c.

Revenue Officer.
8-12-94.

"8. The calculation of malikana is regulated by section 44. Regulation VIII of 1793, as modified by clause 2, section 5, Regulation VII of 1822, under which the allowance varies from 5 to 10 per cent.

Malikana.

In every case of settlement the Collector should call upon the proprietor to specify the amount of jama at which he is willing to engage, and if he refuses to name any amount, the malikana is to be calculated on the net revenue derived by Government from the estate on account of the year preceding that in which the Collector makes his requisition. Ordinarily, where no special reasons exist to the contrary, the rate should be fixed at 10 per cent. on the proposed assessment, if the zamindar proposes one which is too low to accept, or 5 per cent. on the net raiyati assets, that is to say, the average raiyati demand minus average cost of collections, when the zamindar does not specify the jama which he is willing to give. The amount payable on account of malikana should, in every case, be fixed for a term of years." 3-9-94.

which case the land revenue demand entered in the revenue-roll or towjih will be the assets *minus* the allowance which is made to such person to cover the risks and costs of collection, and for his own profit.

5. In estates other than those which are the property of Government, the land revenue demand will be assessed by deducting from the assets the allowances to which the proprietor, or the person having a right to settlement, is entitled under the orders of Government for the time being in force.

6. The allowances to be granted to settlement-holders and farmers of estates hereafter settled or let in farm (not being cases covered by Rule 2 below in Chapter VIII) have been fixed by the Government as follows :—

*(1) In Government estates settled with tenure-holders, or with one or more principal raiyats as representatives of the rest, or with a farmer when, under special circumstances, settlement with a farmer is rendered necessary, 20 per cent. of the gross assets should be allowed for collection expenses and farming profits.

(2) In resumed estates settled with the proprietors, a consolidated allowance of 30 per cent. should be given for collection expenses and proprietary allowance.

(3) In estates let in farm in consequence of the refusal of the proprietors to accept settlement, a consolidated allowance of 20 per cent. should be given for collection expenses and farming profits. Besides this consolidated allowance to the farmers, 10 per cent. should be allowed as malikana to the proprietor.

These deductions for collection expenses include "charges for payment of putwaris, and chowkidars' wages, and other unavoidable expenses connected with management and collection."

7. It is to be observed that the consolidated allowances under the above rules are to be calculated upon the assets of the estate after deductions have been made for any authorised allowances, such as those for embankment repairs, &c.

Malikana.

8. Under section 5, Regulation VII of 1822, the 10 per cent. allowance for malikana, in the case of proprietors refusing settlement, must be calculated on the net amount realised by Government, *i.e.*, on the yearly assets, after deducting the consolidated allowance for farming profits and cost of collections.

When the proprietor has stated the highest amount of jama for which he is willing to engage, malikana is to be calculated on such amount. When the proprietor after having been called upon fails to specify and tender any sum, malikana is to be calculated on the net revenue derived by Government from the estate on account of the year preceding that in which the Collector called on the proprietor to engage (see clause 3, section V, Regulation VII of 1822).

9. If in any particular case, looking to the allowance hitherto made in the particular estate under settlement, or for any other good reason, the allowances for collection expenses as fixed above appear to be unduly

* These orders are conveyed in Government letter No. 1917, dated 8th September 1874; see also Board's No. 270A, dated 11th July 1874, and enclosures.

high, the Board, on the recommendation of the Commissioner, may, at their discretion, reduce the allowances. It is, however, desirable that in all cases the allowances should be liberal, and such as to content the farmer or proprietor concerned, and to leave him no excuse for attempting to levy irregular exactions.

Allowances to surburakars in Orissa.

10. Where, as in Orissa, surburakars or village headmen who, though being Government servants, yet engage for the entire rental assessed on their respective villages, the amount of their allowances will be regulated by the special orders of the Board in each case.

Chapter VIII.—Selection of Settlement-holders.

1. It is the duty of the settlement officer to determine with whom the settlement shall be made, and to adjust the terms, subject to revision by the superier Revenue authorities.

2. The mode of dealing with Government estates is explained in the Chapter on Government estates in the Board's Rules.

3. The former proprietors of estates purchased by Government at a sale for arrears of revenue are not to be admitted to settlement, unless it should clearly appear that the sale of the estate was not caused by any oppression or mismanagement on their part.

4. In farming Government estates, the settlement officer should exercise his discretion as regards the requisition of security, with due reference to the means and character of the farmer. When the farmer is a person of known integrity and substance, the security may be dispensed with. The practice which prevails in some places of demanding a deposit of a year's rent as security is approved, especially in the case of small farmers. Sums due from farmers and their securities are recoverable under the provisions of Bengal Act VII of 1880.

5. The settlement of temporarily-settled estates, the property of private individuals, should of course be offered to the proprietors, and careful attention should be paid to the provisions of section 10, Regulation VII of 1822. If any of those who are entitled to settlement neglect to attend, the settlement may be made with the rest; but if any of them attend, and object to the jama proposed to be assessed, the settlement may still be made with the rest, but only as a farming settlement, and for a term not exceeding twelve years.

6. The settlement of resumed lakhiraj estates should, as a general rule, be made with the proprietors. In the Behar districts, where the interests of two parties requires to be adjusted, namely, the proprietors and the lakhirajdars, the settlement should be conducted under the rules relating to badshahi tenures approved by Government and circulated with Board's circular order No. 62, dated 14th June 1837.

7. Resumed towfir should be settled at full rates with the party who may prove his title thereto.

8. The settlement of resumed alluvion should be made with the proprietor of the estate to which it is an increment. Such settlement is to be in all cases temporary. Whenever settlement is not made with the owner of the proprietary right, he is entitled to malikana.

9. When all the subordinate arrangements for settlement have been completed, the settlement officer should procure the attendance of the person *entitled* to settlement, and call upon him to sign the kabuliyat, or state in writing his objections. These objections, if any, must receive consideration and be removed if practicable, but should they be such as are not entitled to attention, the reasons for rejecting them and otherwise disposing of the estate should be recorded.

10. When it is found necessary, in consequence of the recusance of the party entitled to settlement, to engage with other parties for the payment of the Government revenue, preference should be given (*1st*) to direct management by the Collector; (*2nd*) to a farming settlement with one or more of the head-raiyats on the estate; (*3rd*) to a farming lease to an outsider.

11. It occasionally happens that the duty devolves upon a settlement officer of making a settlement of an undivided share of an estate or tenure which is the property of Government. It will often be convenient and unobjectionable to give such a share in farm to the co-sharers in the estate, so as to avoid the inconvenience to the tenants of having to deal with more than one landlord.

12. A settlement officer proceeding under Chapter X of the Tenancy Act has the same powers of calling on parties to engage for payment of the Government revenue and concluding settlement, in addition to the special powers exercised under the Tenancy Act, as he would have if proceeding under Regulation VII of 1822 alone.

Chapter IX.—Period of Settlement.

1. No estate should be permanently settled unless the holders have a clear statutory right to such a settlement.

2. Under the orders embodied in the Board's circular order No. 6 of January 1866 (reproduced below), all proprietors of resumed revenue-free estates in permanently-settled districts are entitled to permanent settlement :—

Circular No. 6.

I.—It has been decided by the Governor-General in Council* that "clauses 2 and 3 of section 8 of Regulation XIX of 1793, lay down rules for calculating the revenue to be fixed on resumed zemindari lakhiraj tenures, and provide that if the proprietor agree to the amount so fixed, he and his heirs and successors shall hold the land at such fixed revenue for ever. There is no power to make any reservation on account of any particular sort of profit, or any one or more of the resources of the land, and no power to reserve a right of future increase on any account whatever. The jama must be assessed once and for ever, as the whole demand of the State as its share of the profits and resources of the land, of whatsoever description. The only way in which any enhancement above the first year's revenue is allowable is by the fixing of a progressively increasing jama, which is allowable only when part of the land is uncultivated, and must be definitely fixed at the time of settlement, under certain reasonable restrictions.

* Order to Government of Bengal, No. 444, dated 13th January 1866.

II.—In accordance with this construction of the law on the subject, the Governor-General in Council has deliberately declared that "the proprietor of a resumed lakhiraj estate in a permanently-settled district is entitled to a permanent settlement thereof, based on the assets as existing at the time of resumption."

III.—His Excellency in Council has further resolved that these principles shall be applied immediately to the case of all resumed revenue-free estate which, under any different interpretation of the law, are now settled for a term of years only, instead of being settled permanently.

IV.—The orders of the Governor-General in Council are "that all existing settlements of resumed revenue-free estates shall be upheld as permanent settlements, except when it shall appear that a settlement was avowedly made at lower rates than those at which it would have been made if the Revenue authorities had intended a permanent settlement, and when, in any such case, the settlement papers themselves may give the means of estimating the full assets of the estate, including capabilities."

V.— * * * * *

VI—In all such cases it will be only necessary to ascertain that the settlement was not made "*avowedly* at lower rates than those at which it would have been made if the Revenue authorities had intended a permanent settlement." Except in that contingency, all existing temporary settlements of resumed revenue-free lands are to be at once declared permanent, revised engagements being exchanged with the proprietors.

VII.—Even in the excepted cases, the current settlement is only to be revised so far as "the settlement papers themselves may give the means of estimating the full assets and capabilities of the estate" at the time the settlement was made.

3. No invariable rule can be laid down respecting settlements upon a gradually increasing revenue. The natur of the settlement is to be determined in each case according to circumstances. When the law entitles a party to a settlement in perpetuity, such settlement *must be* made, whatever may be the condition of the estate in respect of cultivation. The question is not as between a settlement upon an increasing revenue and a temporary lease, but as between a perpetual settlement at an increasing, and the same at a fixed revenue.

4. In all cases of settlements other than those which the Collector himself is competent to sanction, whether the estate under settlement be the property of Government or belong to a private proprietor, arrangements for completion of the new settlement should be made before expiry of the term of the current settlement, and a new regular settlement proposed by the Collector should only be concluded in anticipation of sanction, when delay would cause loss of revenue, and it is not possible to obtain sanction in due time before the expiration of the current settlement. In such cases the circumstances under which it became necessary to conclude the settlement, in anticipation of sanction, and the cause of delay should be explained, and the settlement should be concluded with a distinct proviso that any alteration in its terms which may be subsequently prescribed by competent authority shall take retrospective effect from the date on which the estate shall have been brought under the terms of the new settlement.

5. This is not to be held to interfere with the Collector's power to hold any Government estate under khas management on the expiry of the engagement on which it has been held, when he shall be of opinion that such a course is preferable to the provisional conclusion of the regular settlement proposed by him; nor to preclude him from adopting a similar course in regard to any estate the property of a private person, on refusal of the proprietor to accept the provisional engagement mentioned in the foregoing rule.

6. A settlement of land revenue with a settlement-holder should ordinarily take effect from the beginning of the financial year next after that in which the proceedings of the settlement officer have been

7 "When an estate, the property of Government, is to be held under direct management, discretion should be exercised in fixing the period of a settlement with the raiyats. It should be remembered that the Bengal Tenancy Act prohibits the enhancement of the rents of tenures and occupancy holdings within 15 years, and of non-occupancy holdings within 5 years, of a previous settlement or enhancement. In ordinary cases the periods prescribed by the Tenancy Act should be adhered to, the term of the settlement being fixed so as to correspond with the term for which the rents of occupancy holdings must remain unaltered. But in dealing with *char* and *diara* lands, where land on its first appearance is often poor in quality, but rapidly becomes more valuable by deposit of silt, and where the cultivable area itself is liable to constant change, and fresh lands of great fertility are continually becoming available, the application of this principle may be unfair to Government. In such cases, therefore, settlements should be made, with the approval of the Board, for a shorter term or for an indefinite period, in order that Government may step in and enhance rents whenever it is considered equitable to do so, in accordance with the special provisions relating to char and diara, which are contained in section 180 of the Tenancy Act. Where a farming lease is granted, it will be necessary to specify the term. This will ordinarily be not less than 15 years, but in some cases, such as of estates the area of which is increasing by alluvion, or where the quality of the soil is rapidly improving, a shorter term may be required, in order to enable Government to obtain a fair share of the increased rental. The adoption of the term of 15 years for settlements generally would not affect the right of Government in estates held direct to revise the rents of non-occupancy raiyats within that term, or to assess additional rent for lands taken up by all classes of tenants in excess of the area originally settled with them. It may sometimes be unnecessary or inadvisable to exercise the right of revising non-occupancy raiyats' rents; but care should be taken in all cases to levy a fair rent for excess lands brought under cultivation. This is of special importance in char estates, where the area of cultivable waste is large." 2-8-93.

completed. A settlement of fair rents under Chapter X of the Tenancy Act takes effect from the beginning of the agricultural year next after the final publication of the record (section 110), and enhancements made under Act VIII (B.C.) of 1879 take effect from the beginning of the year in which the jamabandi was published, if the publication was made within the first six months of the year, and otherwise from the beginning of the following year.

7. When an estate the property of Government is to be held under direct management, it will usually be unnecessary to conclude a settlement for any definite period. The settlement report will merely state that the mehal is to be held under direct management till further orders.

Chapter X.—Confirmation of Settlement. Powers of revenue authorities to sanction Settlements.

1. When the assets are ascertained and recorded under Chapter X of the Tenancy Act, the decisions of the settlement officer are appealable to the Special Judge, and are not subject to confirmation by the revenue authorities; but the confirmation of the revenue authorities is necessary to proceedings subsequent to the ascertainment of amount of assets, such as selection of settlement-holder, amount at which settlement is to be made, provision for maintenance of the records, term of settlement, &c.

2. In settlement proceedings under Act VIII (B.C.) of 1879, sanction to the rates proposed, or subsequent approval of them by the revenue authorities empowered in that behalf by the Lieutenant-Governor, is necessary under section 5 of that Act. The authorities thus empowered to sanction general rates* are the following:—

Sanction to general rates under Act VIII (B.C.) of 1879.

* *Vide Calcutta Gazette*, 11th June 1879, Part I, page 544.

I.—Regular settlements in which the number of raiyats whose rents are to be recorded does not exceed 200.	The Collector or other officer specially empowered by Government to exercise the powers of a Collector in this behalf.
II.—Regular settlements in which the number of such raiyats exceeds 200, but not 400.	The Commissioner of the Division.
III.—All other classes ...	The Board of Revenue.

3. The following rules have been laid down by Government determining the authority of Revenue officers of different grades to give final confirmation to settlements, whether the proceedings are under the Tenancy Act or under Act VIII (B.C.) of 1879:—

Confirmation of settlements in all cases.

I.—All summary settlements and temporary (regular) settlements up to a rental of Rs. 500.	The Collector.
II.—Temporary (regular) settlements from a rental of Rs. 500 up to Rs. 10,000.	The Commissioner.

III.—Temporary (regular) settlements from a rental of Rs. 10,000 up to Rs. 25,000.

IIIa.—Permanent settlements to which the proprietors have a statutory right.

} The Board of Revenue.

IV.—Temporary settlements in which the Government revenue assessed exceeds Rs. 25,000, and proposed permanent settlements to which the proprietors have no statutory right, will be reported for the orders and final sanction of Government.

V.—The foregoing rules are applicable to the settlement or resettlement of individual estates or parts of estates; but settlements of whole districts or pergunnahs, or other subdivisions of districts, should be made and engagements taken subject to the final approval of the Government of India, to which, through the Government of Bengal, the proceedings will be reported in due course for such approval.

4. Short-term settlements and farming settlements are regarded with disfavour by Government, and are to be made only as an exception when from the circumstances of the case no other settlement is possible.

Supervision and control of settlement, by the Director of Land Records.

5. The Director of Land Records will manage or supervise ~~all settlements in which the agency of the professional Survey Department is employed, or which are made under the Bengal Tenancy Act, and his services are available for other settlements at the discretion of the Board.~~ He will exercise, in respect of all these settlements, the powers of a Commissioner save in matters in which power is by law vested in the Commissioner.

As a central authority, he will be in immediate communication with the Board and be guided by their instructions: as a local authority, he will examine the details of all important settlements on the spot, and direct the settlement officers upon all points of uncertainty or difficulty.

Confirmation of settlement by the Director of Land Records.

6. The powers exerciseable by the Commissioner of sanctioning rates and confirming settlements under the preceding rules may be exercised by the Director of Land Records, as regards settlements under his control.

7. On the confirmation of a settlement by competent authority, the Collector should put the settlement-holders in possession, if they are not already in possession, of the estate or estates settled with them.

8. All orders passed by any authority regarding settlements will be open to appeal according to law, and to revision by superior authority on, or without, appeal, unless such revision by executive authority is barred by law.

9. After the confirmation of the settlement of an estate has been received, the estate whether it is to be held khas or not will no longer be shown as "under settlement" in Return No. VIII.

4 ✓✓✓ "The farmer of an estate, which is the property of Government, is a tenure-holder under the Bengal Tenancy Act, the payment which he makes being rent, as defined in section 3 (5) and not revenue. His lease cannot, therefore, be cancelled. It can only be determined by his ejectment decreed in a regular suit, and a condition in his lease permitting cancelment without a suit could not be enforced [sections 66, 89 and 178 (c)]. The farmer of an estate belonging to a recusant proprietor, on the other hand, takes the place of the proprietor in entering into an engagement with the Government, and thus pays land revenue instead of rent. He is not, therefore, a tenure-holder, and his lease may be put an end to by cancelment on default, if it contains a stipulation to that effect. This distinction between the two classes of farmers should be borne in mind." 9-9-93.

10. The rules above given for confirmation of settlements apply to fisheries also. But the form of report required in the case of settlements of landed property need not be submitted for the settlement of fisheries. It will be sufficient to show in the report (1) the number of the fishery mehal in the towji, (2) the geographical limits of the right, (3) the term of the lease, (4) the rent, (5) brief explanation of the nature of the fishing (viz, the fish caught and the means used to catch them), (6) the position of the lessee (*e.g.*, whether he is himself a fisherman or a speculator who intends to sublet to the actual catchers of fish), and (7) the mode of settlement adopted, whether by sale to the highest bidder or otherwise.

Confirmation of settlement of fisheries.

Chapter XI.—Resettlements.

1. When a detailed settlement of an estate has once been made, it will not be necessary in all cases to go through the same process again on the expiration of the term of settlement, and it ought not to be necessary in any case in which the settlement records and maps have been corrected from time to time so as to represnt the existing state of things. If, however, at the first settlement there was an undue proportion of waste, or if the estate is one exposed to alluvial action, and if the measurement and settlement records have not been corrected from time to time so as to represent the existing facts, measurements may be called for to ascertain the extent of increased cultivation or of change.

2 Inquiry should always be made on the expiration of a settlement to test the propriety of the existing rents or rates of rent. If this inquiry shows that no change of rents is necessary, and if the settlement records have been corrected from time to time so as to represent the existing state of things, detailed settlement proceedings need not be gone through afresh, but a report in the usual form, based on the last settlement should be submitted for orders, unless the re-settlement is one which the Collector himself is competent to sanction.

3. Under section 2, Regulation VII of 1822, zemindars, farmers, or any other malguzars, holding on after the expiration of the term of their engagements, are responsible for the revenue at the rate assessed in the last settlements, and cannot be made to pay a higher amount, unless notice of the Collector's intention to revise the assessment has been given as provided in clause 6 of the section quoted.

As the Collector will know, from the lists to be annually prepared under rule 6, Chapter XIII of these rules, what estates are soon to be resettled, he should issue this notice to the malguzars before the expiration of their engagements.

In framing the new engagements with them, it should be especially agreed with them (under the first paragraph of the 6th clause of section 2 above quoted) that, in the event of their holding on after the expiration of their leases, they will be held responsible, on account of any year subsequent to the term of their engagements, for such revenue as may be assessed upon the mehal.

When these measures have been taken, it will be legal to give retrospective effect to a resettlement at a higher amount than that assessed

in the expired engagement; but if arrangements have been properly made, as required by rule 6 of Chapter XIII of these rules, for the completion of a new settlement before the expiration of the old engagement, there should ordinarily be no occasion for giving retrospective effect to a settlement.

4. Where, however, a settlement has fallen in, or is likely to fall in, before arrangements for fresh settlements are, or can be, completed, the Collector should, if the estate belong to an individual, ordinarily settle it summarily year by year, securing in the engagements any increase of revenue which the extension of cultivation or other enhancement of assets, ascertained by summary inquiry, may seem to justify. If the estate be the property of Government, it should, as a rule, be taken under khas management, &c.

5. When a resettlement becomes necessary in consequence of the default or recusancy of a lessee or on expiry of the lease, any resident cultivators who may have been located by him should, before the lands are leased to another party, be secured in their tenures by the preparation of a rent roll of their lands after the manner of the original settlement; and the circumstances under which they were located by the lessee should receive full consideration. But no lessee has the right to create tenures extending beyond the term of his own engagement.

6. The Collector is to report each year to the Commissoner whether summary settlements have been made in all cases falling under rule 4 of this chapter.

Chapter XII.—Cancelment of Leases and Attachment of Farms.

1. There is no law which sanctions the cancelment of a farm during the year. The practice, however, has long been to cancel a lease at once on the occurrence of a balance, when this course is judged expedient instead of waiting till the end of the year. It is desirable that this practice should be continued. The difficulty presented by the law is met by a clause in the farmer's kabuliyat providing for the voidance of the lessee on the occurrence of default. A kabuliyat, and subject to the proviso contained in rule 4, Chapter VIII, a security bond containing this and other requisite stipulations, in the form Nos. 6 and 7, Appendix C, should be invariably executed when a lease is granted.

2. Much must be left to the discretion of the Collector in respect to the cancelment of leases. It may sometimes be expedient to exercise this power immediately on the occurrence of an arrear; but, on the other hand, it may be desirable for the interests of all concerned to give the farmer an opportunity of retrieving his position by paying the balance and providing sufficient gaurantees against future default.

3. In regard to cases coming under section 4, Regulation IX of 1825, the follwing rule should be adopted: If a notification threatening annulment of engagements has been issued, and the lessee fail to make good the arrear within the term fixed, then, as soon as the month of grace allowed by the section cited expires, the Collector should declare, by a formal proceeding, that the settlement is annulled. Until this is done he is not warranted in refusing to accept payment of the arrear by the defaulter. If the Collector should think proper to allow further time for payment, he may suspend the order of annulment.

"1. Farmers of estates which are the property of Government are tenure-holders, and their leases cannot be cancelled. The kabuliyat and, subject to the proviso contained in Rule 4, Chapter VIII, the security bond taken from them should be in the forms Nos. 6 and 7, Appendix C.

"2. Farming settlements can be cancelled only in the case of estates belonging to recusant proprietors. There is no law which sanctions the cancelment of a farm during the year. The practice, however, has long been to cancel a lease at once on the occurrence of a balance, when this course is judged expedient, instead of waiting till the end of the year. It is desirable that this practice should be continued. The difficulty presented by the law is met by a clause in the farmer's kabuliyat providing for the voidance of the lease on the occurrence of a default. A kabuliyat and, subject to the proviso contained in Rule 4, Chapter VIII, a security bond containing this and other requisite stipulations, in the forms Nos. 6 and 7, Appendix C, should be invariably executed when a lease is granted." 9-9-93.

1. All preliminary correspondence regarding petty surveys and settlements under the Tenancy Act and the more important settlements under the Regulations, will be carried on between the Collector, the Commissioner, and the Board; but in undertakings of large magnitude and great importance or which require a professional survey, the Commissioner will communicate with the Director of Land Records instead of the Board, and the Director will take the orders of the Board.

Preliminary correspondence.

2. When the preliminary correspondence, including questions of the general principles on which the settlement is to be conducted and the agency to be employed, has been brought to a conclusion, the Board will determine, in each case, whether the Commissioner or Collector or even both shall be allowed to drop out of the chain of correspondence or the Director taken in. The Board will also decide whether the supervision of the Settlement Officer's work in detail may, in the subsequent stages, be left to the Collector and Commissioner or to the Director alone, or to the Director, and either the Collector or Commissioner, except in so far as powers are reserved to the latter by law.

Generally, cases which, from peculiar local conditions, involve the decision of questions of some importance, whether to the Government, the landlords, or the tenants, or which are important to Government from a financial point of view, will be supervised by the Director. The mere fact of a large amount of revenue being involved, however, if no complicated questions are likely to arise in the settlement, should not be a reason for making over charge of the settlement to him. All other cases, especially the great majority of those instituted under section 103 of the Tenancy Act, will be under the Commissioner's exclusive supervision. The Commissioner will, in compliance with the instructions in rule 39, Chapter VI of the revised rules, under the Tenancy Act, submit to the Board all applications under section 103 of the Bengal Tenancy Act approved by him giving an expression of his opinion, and the Board will issue their orders thereon, and report to Government with a view to the deputation of an officer and the conferment of the necessary powers upon him. The Board reserve the right of desiring the Director to inspect the work of any settlement which may not be directly under him, and the Commissioners also are at liberty to consult him in cases which are under their control. 10-1-95.

CHAPTER XIII.—PERIODICAL FORECAST, PRELIMINARY CORRESPONDENCE, ESTIMATES, PROGRESS REPORTS, RETURNS AND FINAL REPORTS ON SETTLEMENTS.

Preliminary correspondence.

1. All preliminary correspondence regarding surveys and settlements under the Tenancy Act, and the more important settlements under the Regulations, will be carried on as heretofore between the Collector and the Commissioner; but the latter will address the Director of Land Records regarding all such settlements, instead of the Board, and the Director will take the orders of the Board.

2. When the preliminary correspondence, including questions of the general principles on which the settlement is to be conducted and the agency to be employed, has been brought to a conclusion, the Board will determine in each case whether the Commissioner or Collector, or even both, shall be allowed to drop out of the chain of correspondence or not. The Board will also decide whether the supervision of the settlement officer's work in detail may in the subsequent stages be left to the Director alone, or to the Director *and* either the Collector or Commissioner, except in so far as powers are reserved to the latter by law.

3. In the conduct of settlement operations placed under the supervision of the Director of Land Records, the settlement officer is ordinarily, unless otherwise specially ordered by the Board, to work in subordination to the Collector, and the Director is to have the same authority as the Commissioner to over-rule the Collector's orders. The periodical progress reports to be submitted by the settlement officer will be sent through the Collector to the Director for orders. The Collector will pass such orders on these reports as may be necessary in accordance with the general tenor of the preliminary instructions: such further questions as may arise during the settlement, and are not provided for by the instructions, are to be referred for the orders of the Director. The Commissioner is to be kept informed by the settlement officer through the Collector of the progress of all important settlements, but he is not ordinarily, unless he has been specially placed in charge of the settlement proceedings, to exercise direct interference or control. If he disapproves of any proceedings of the Director he should refer them for the decision of the Board.

4. When the settlement proceedings of settlements mentioned in rule 1 of this Chapter have been completed, the final report is to be submitted by the settlement officer, through the Collector and Commissioner, to the Director and by him to the Board, ~~so that these authorities may all have an opportunity of expressing their opinions upon the proceedings as a whole.~~

5. District officers will in future submit separate annual settlement reports, so far as their work under the Director is concerned, through the Commissioner to the Director.

Periodical forecasts and estimates.

6. Great care should be taken to make arrangements for the completion of the new settlement before the old settlement expires. By neglect of this precaution much loss of revenue may be entailed. An application in the form No. I of Appendix C should be forwarded in

duplicate by the Collector every year on or before the 15th August to the Director of Land Records, in respect of all estates in which it is proposed to commence settlement operations during the ensuing year, specifying the law or laws under which it is proposed to carry on the settlement. The Collector will simultaneously forward in duplicate to the Director (sending a third copy to the Commissioner for information) a list of all estates which will have to be settled or resettled within the next five years, arranging them according to the dates on which the current settlements will expire. and estimating in each case the time when the resettlement operations should take. The Collector is also to state in each case whether the ordinary staff of his district will be sufficient to dispose of the settlement work for the ensuing year, or whether extra aid is necessary; and it will be his duty to move the Board, through the Commissioner, for sanction to any extra establishments required. The Commissioner is to arrange that extra establishments employed on settlement cases in one district are, when their services are no longer required there, transferred to another district in his division, so that their special experience may be utilized. The Director will lay the application in the form No. 1 and the list above mentioned before the Board with his remarks for orders.

7. Under the orders of Government, contained in paragraph 20 of Resolution, dated 22nd April 1873, where the settlement operations in any one district do not extend over an area of more than 2,000 acres in the course of one and the same official year, they must be carried out by the regular subordinate establishments constituted under that Resolution. When the settlement operations extend over a larger area than this, and it becomes necessary to entertain additional agency for the work, local officers should submit to the Commissioners for transmission, through the Director of Land Records, to the Board, not later than the 1st August of each year, the regular estimates of land settlement charges drawn up in the form supplied annually by the Accountant-General. These estimates will be checked and passed on by the Board to the Accountant-General, to enable him to include the amount required in the budget estimate for the Lower Provinces which he renders to Government.

On or before the 1st of August Settlement Officers should prepare and submit to the Director of Land Records, with the regular estimates prescribed above, a programme showing the work expected to be done in each month of the succeeding survey year in (*a*) survey, (*b*) records of existing rents and determination of the status of tenants, and (*c*) settlement of rents and the probable cost to be incurred. The Director will lay this programme before the Board for orders.

8. It must, however, be understood that the mere fact of these estimates being passed by the Board conveys no authority to disburse the amounts entered in them. The sanction for disbursement will be given on detailed statements for each district, which local officers should submit to the Board, through the Commissioners, not later than the 10th January of each year, in the forms Nos. 2 and 3 given in Appendix C. The details to be entered in the columns provided in this form for settement establishments and contingencies should be filled in according to the classification contained in the Accountant-General's form mentioned in rule 7, any difference between the two being

6. Great care should be taken to make arrangements for the completion of the new settlement before the old settlement expires. By neglect of this precaution much loss of revenue may be entailed. An application in Form No. 1 (revised) of Appendix C in respect of all estates in which it is proposed to commence settlement operations during the ensuing year, should be submitted by the Collector to the Commissioner and by him to the Board every year on or before the 15th August.

Periodical forecasts and estimates.

In settlements likely to cost more than Rs. 5,000 the administrative sanction of Government is to be obtained, but in those likely to cost less than Rs. 5,000 that of the Board will be sufficient. Before including in the programme and estimates of the year any new settlement that is likely to cost more than Rs. 5,000, a separate report is to be submitted for each such settlement, on which the Board will ask the administrative sanction of Government. This report should, among others, contain the following particulars :—

Government order No. 3695L.R., dated 21st July 1894.

1. Estimated total cost of settlement.
2. Area in acres.
3. Area already measured, if any.
4. Area which it is proposed to measure next year.
5. Proposed scale of special establishment including contingencies.
6. Period for which required—months.
7. Estimated cost in next year.

Simultaneously with the submission of the application in Form No. 1, the Collector will forward in duplicate to the Commissioner (the second copy being meant for the Board) a list of all estates which will have to be settled or resettled within the next five years, arranging them according to the dates on which the current settlements will expire and estimating in each case the time which the resettlement operations should take. In preparing this list the Collector will adhere to the Form No. 1 (revised) as much as possible. He is also to state in each case whether the ordinary staff of his district will be sufficient to dispose of the settlement work for the ensuing year or whether extra aid is necessary, and it will be his duty to move the Board, through the Commissioner, for sanction to any extra establishments required. The Commissioner will arrange that extra establishments employed on settlement cases in one district are, when their services are no longer required there, transferred to another district in his division so that their special experience may be utilized. 10-1-95.

explained. As soon as the grant for the settlements of the year is placed at their disposal, the Board distribute it between the different districts. As the orders of Government are generally not received till some time after the beginning of the year, it is practically unavoidable to incur some expenditure under this head in anticipation of sanction.

Progress returns.

9. Progress reports are to be submitted monthly to the Director of Land Records in the tabular forms 13, 14, 15 (Appendix C), together with an explanatory sheet in the form below. In this explanatory sheet the method on which assessments are being made should be stated, and a full explanation should be given of failure to work up to the sanctioned programme of (*a*) survey and (*b*) settlement, and of any expenditure incurred or likely to be incurred in excess of the estimates (1) for the area actually surveyed, (2) for the area of which the record of rights has been prepared, and (3) for the area of which settlement of fair rents has been made.

Heading.	Column.	Explanation.

These monthly progress reports are also to be submitted in the same forms to the authority empowered to confirm the settlement of all settlements not under the supervision of the Director of Land Records. For petty settlements for which these returns would be too elaborate the authority empowered to confirm the settlement may sanction the use of such simpler forms as are suited to the circumstances of the case.

9*a*. Abstracts of the diaries of all Settlement and Assistant Settlement Officers should also be forwarded to the Director of Land Records, with the monthly progress reports.

9*b*. The officers in charge of settlement operations are to submit to the Director of Land Records, half-yearly progress reports of their work. Progress Report (I) is to show the results of the six months, 1st October to 31st March, and is due from all Settlement Officers to the Director by 1st May. Progress Report (II) is to show the results of the six months, 1st April to 30th September, and is due from all Settlement Officers to the Director by 15th October. For the preparation of these half-yearly progress reports no stereotyped form is laid down, but the object should be to convey to higher authority, in a concise and intelligent form, the progress made actually during the last six months, the stage reached, and general estimate of the work remaining to be done, with the cost. The information required will be grouped under the following heads:—

(1) Statements to be prepared on the model of the subjoined forms A and B. Where the assessment of the land revenue is in progress, a third statement is needed to show the number of villages assessed before and during the half-year, the old and new assessment, and any other information under this head which the Settlement Officer may wish to give.

Cancelled Bd's CO No. 2 of Sept. 1894

A

Statement showing the Estates under Survey and Settlement of Revenue during the half-year ending

Division.	District.	Name of estate.	Total number of villages under survey and settlement.	Estimated area in acres.	Whether surveyed by professional or non-professional agency.	Area Surveyed.			Number of villages of which the records have been handed over by the Survey to the Settlement Officers.		Total cost up to—						Rate per acre.		Increase of Revenue.		Remarks.
						Up to close of preceding half-year.	During the half-year under report.	Total area surveyed.	Up to close of preceding half-year.	During the half-year under report.	Up to close of preceding half-year.		During the half-year under report.		Total.*		Survey.	Settlement.	Actually obtained.	Expected.	
											Survey.	Settlement.	Survey.	Settlement.	Survey.	Settlement.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22

Note.—Column [illegible] is inapplicable to Orissa and Chittagong settlements. None of the columns should be omitted, but Settlement or Assistant Settlement Officers can add other columns, if necessary.

B

Statement showing Progress made in Government Estates and Temporarily-settled Tracts in Record of Rights and Settlement of Rents.

Division.	District.	Name of estate.	Total number of villages.	Number of villages in which record of rights has been completed.		Total number of raiyats in the villages in column 4.	Number of raiyats whose rents had been recorded and status determined.			Total rental of tenants whose rents have been settled.				Remarks.
				Up to close of preceding half-year.	During the half-year under report.		Up to close of preceding half-year.	During the half-year under report.	Total of columns 8 and 9.	According to new settlement.	According to previous jamabandi.	Increase.	Decrease.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

NOTE.—Column 3 is inapplicable to Orissa and Chittagong settlements. None of the columns should be omitted, but Settlement or Assistant Settlement Officers can add other columns if necessary.

(2) Information as to the work done by the Settlement Officer and his assistants, showing the distribution of work to each officer, his head-quarters, and the number of days he was absent on tour.

(3) Progress of—

(*a*) Demarcation,

(*b*) Survey,

(*c*) Receipt of records from the Survey Department,

(*d*) Khanapuri,

(*e*) Fixation of rent, whether determination of existing rents or decision of fair rent.

(*f*) Assessment of land revenue.

(4) Training and utilisation of patwaris and kanungos or other local officials.

Proposals for settlement of typical villages.

10. Settlements which require the sanction of the Board should not ordinarily be concluded in anticipation of the Board's approval. In the case of large settlements, proposals for settlement of typical villages or pergunnahs should be submitted, through the Collector and Commissioner, to the Director of Land Records at the earliest possible stage of the proceedings after the measurement papers have come into the settlement officer's hands, so that orders may be passed on any points of doubt or difficulty that may arise, and the Board may have an opportunity of exercising control over the operations before it is too late. When the Board's orders have been obtained on proposals for settlement of typical villages or pergunnahs, these orders will serve as a guide in other similarly situated villages without special reference in each case.

Final reports.

11. Every settlement, as soon as it is completed, should be reported through the proper channel to the sanctioning authority. In the case of large surveys and settlements, whether of Government, Wards' or private estates, a full report and description of the tract under survey under each of the heads mentioned in rule below should be submitted. In petty settlements a short history of the settlment, accompanied by tabular statements given in the Appendix, the forms Nos. 21 (*a*) to 21 (*c*) will suffice. The tabular statement under 21 (*b*) is to be supplied in all settlements and not only in those of a petty description. In the case of resumed estates, the settlement report is also to be accompanied by the resumption decree. When the settlement is of a resumed revenue-free estate and comprises subordinate rent-free tenures, it should be certified in the report that the prescribed notices were duly issued, and the cases disposed of under the provisions of Section 5, Regulation IX of 1825; and also, in cases in which the settlement officers have upheld such tenures, that copies of the decisions were transmitted to the Commissioners of Revenue, as required by Section 4, Regulation III of 1828. The name of the estate, its area and revenue, the party admitted to engage, the term of settlement, and the date from which it takes effect should all be noted on the margin of the report. It should also be noticed what arrangements are found existing or have been made as to the dates of payment of instalments of rent and revenue, and whether they are adapted to local agricultural

circumstances, such as the number and description of crops and the period of harvests.

11A. Final reports on large settlements will show for each village or each local area—

(*a*) The number of tenants of each class.

(*b*) The area and classification of the village lands according to—

(1) Survey and settlements.

(2) Landlord's jumabundi, if known.

(*c*) The rental according to settlement and according to landlord's jumabundi, amount of Government revenue, and comparison of rent with revenue.

(*d*) The rates of rent prevailing, with history of past enhancement.

(*e*) Proximity to markets.

(*f*) Facilities for irrigation.

(*g*) Village customs, including customs as to payment of village officials.

(*h*) Arrangements made for maintenance of records.

(*i*) Other matters deserving of notice which have been excluded from the record of rights.

The report for the whole area under survey will contain the following particulars:—

I.—General description of the pergunnah or tract under report.

This should include—

(1) Boundaries and areas.
(2) Physical features.
(3) Communications.
(4) Sources of irrigation.
(5) Rainfall.
(6) Climate.
(7) Towns and markets.
(8) Population and caste distribution.
(9) Proprietary and cultivating classes with the areas owned or held by each class.
(10) Tenures.
(11) Particulars of cultivated lands*.
(12) General condition of the people.
(13) Trades and manufactures.
(14) System of agriculture.
(15) Principal products.

II.—Fiscal history.

Under this head should come—

(1) A brief account of previous settlement and their effects.
(2) An account of the working of the settlement about to expire, with the revisions and alterations of demand found necessary, and the causes of such modifications.

* The information is to be given in the Form under Statement 21 (*b*) in Appendix C of the Manual with the necessary additions and alterations.

(3) Coercive processes which have been found necessary for the collection of the land revenue.

(4) The extent to which proprietary rights have been affected by sale or mortgage, or other mode of transfer, during the term of the expiring settlement, should be shown as far as ascertainable, and the amount so transferred and the price fetched, in periods selected by the Settlement Officer, should be compared.

(5) The average price per acre, the number of years' purchase, and the amount of purchase-money per rupee of revenue should be shown for each period separately as well as for the entire term.

III.—Comparison of former and present condition of the tract under report.

This should contain—

(1) past and present statistics of area, showing especially the amount and percentages of increase or otherwise in cultivation and irrigation, with the proportion borne by the area actually cultivated and irrigated to the total area.

(2) Details of the different kinds of soil, irrigated and unirrigated, and comparisons with the statistics of last settlement.

(3) Details of the areas occupied by each kind of crop, with similar comparisons.

(4) The main causes which have contributed to progress or otherwise in the condition of the tract, including a statement showing the change in the values of produce during the expiring settlement. This statement should be divided into periods like the statement of transfers of proprietary rights.

(5) An account of improvements in communication whether lines or rail, metalled or ordinary roads, opening of markets, &c.

(6) A statement, where practicable, showing increase in population.

(7) If the preparation of records is sufficiently advanced, the number and holdings of cultivating proprietors, the number of cultivators with and without right of occupancy, and the total area held and rents paid by each class, should be given and compared with past statistics where available.

(8) A statement of the former and present recorded rentals, with an account of the rise in the rental ascertained to have taken place during the settlement, distinguishing, so far as can be done,—

(*a*) the increase of assests due to extended cultivation;

(*b*) the increase due to introduction or extension of irrigation;

(*c*) the increase due to rise of the rent-rate on any class of soil other than that caused by irrigation.

Any special local causes which have checked or encouraged the rise in rents should also be pointed out.

IV.—Financial results including approximate division of expenses under the heads—

(*a*) Survey.
(*b*) Record of rights.
(*c*) Preparation and distribution of records.

V.—A general account of the Settlement Officer's local inspection and the extent to which the corrected rent-rolls were accepted as the basis of settlement.

11B. Notes shall be prepared for every village in the subjoined Form C. Settlement Officers should transcribe from their note-books, into these village notes, the agricultural and economic facts relating to the village noticed by them on the occasions of their visits to the village, for the purposes of testing the khanapuri and attesting the khatians in presence of the landlords and tenants. The other information required can be obtained from the survey and settlement records.

One copy of the village notes will remain with the village record, and another will be bound up in a volume of such notes for the whole pergunnah or local area under survey and settlement.

1 FORM C.

Village—

Past history.—Names of proprietors' and under-proprietors' character, and extent of their interests, amount of Government revenue arrears of Government revenue (if any).

2

Area

	AREA.							
			Details of cultivation.					
	Area by survey.	Area by old survey, if known.		Number.	Area.	Rent.	Rent-rate.	REMARKS.
Cultivated soil—			Nijjotte					
1st			Tenure-holders of a raiyati character					
2nd			Tenants at fixed rates					
3rd			Settled raiyats					
&c.			Occupancy, but not settled raiyats					
Total cultivated ...			Non-occupancy					
Culturable—			Rent-free					
New fallow								
Old ,, ...								
Unculturable—								
Total ...			Total culturable ..					

Details of irrigation.					Crop statistics.	
Irrigated from—			Not irrigated.		Crop.	Area.
Canals.	Wells.	Rivers.	Irrigable.	Not irrigable.		

3

Rental

Rental as claimed by tenants.
Ditto landlord.
Ditto ascertained by Settlement Officer.
Rental as settled by Settlement Officer.

Grounds of fixation of rent, standard of measurement according to which rent rates are regulated.

4 *Agricultural Stock.*

Cows.	Plough-bullocks.	Other bullocks.	Buffaloes.	Horses and ponies.	Mules and donkeys.	Sheep and goats.	Carts.	Ploughs.	Boats.	Remarks.

X. "He will compile this report mainly from the materials furnished in the monthly progress returns of the Settlement Officers. The Board will incorporate it in their Land Revenue Administration Report." 2-9-94.

✗December 2-9-94.

✗January. 2-9-94.

General Remarks.—To include remarks on discrepancies between revenue survey and present survey areas; increase or decrease in cultivated area and fallow; proximity to markets and means of communications; village officials: remuneration allowed to and services to be rendered by them; arrangement made for maintenance of records; fuel and fodder reserves; sanitary condition of the village, liability to famine, &c.

12. In settlement proceedings and reports wherever the rate of rent per bigha is mentioned, the calculation should always be made on the local bigha, the exact area of which in yards should be stated. The equivalent in standard Bengal bighas should invariably be given in the margin. Areas should also always be stated in acres as well as in bighas, and under section 92 of the Tenancy Act, the acre must be the standard of measurement in all measurements made under that Act, unless the Revenue officer directs that the measurement be made by any other specified standard.

13. Should any objections have been made to the settlement, the reasons for rejecting the petitions and for confirming the settlement should be recorded on the back of the English abstract. This abstract should remain with the record, together with another in the vernacular.

14. In reporting for confirmation settlements which have been carried out by a Deputy Collector, it will be necessary for the Collector to report his own opinion in full upon the questions of the fairness of the rents or rates of rent, the mode of settlement to be adopted, and other important points with special reference to the rules in force. Similarly it will be incumbent upon the Commissioner in all cases to add his own remarks when forwarding the papers for the Board's orders.

Chapter XIV.—Reports to be submitted by the Director of Land Records.

1. The Director of Land Records will submit to the Board a Settlement Report, Financial, covering the period from the 1st April to the 31st March each year, consisting of a brief account, mainly statistical and financial, of settlement progress. The Board will submit this report to Government with their Land Revenue Report for the financial year, embodying their remarks in their Land Revenue Report.

2. The Director will also submit to the Board a Settlement Report (Administrative) covering the period from 1st October to 30th September each year, containing a full account of the progress of survey and settlement work in the Province. This report will be due to the Board on the 15th November, the Board will submit it to Government with their remarks on or before the 15th December.

3. The information contained in the half-yearly reports referred to in Rule 913, Chapter XIII of the Manual, is to be worked into the Director's Settlement Reports (the Progress Reports (I) into the Financial Report and the Progress Reports (II) into the Administrative Report). The progress reports of the more important settlements are to be printed as Appendices to these reports.

APPENDIX A.

GOVERNMENT RULES UNDER THE TENANCY ACT AND BOARD'S INSTRUCTIONS THEREON.

Referred to in rules 8 *and* 20, *chapter* IV.

NOTIFICATION.

BENGAL TENANCY ACT.

The 21*st December* 1885.—Under sub-section 5, section 190 of the Bengal Tenancy Act (VIII of 1885), the following Rules are published for general information.

A. P. MACDONNELL,

Secy. to the Govt. of Bengal.

RULES UNDER THE BENGAL TENANCY ACT (ACT No. VIII OF 1885).

CHAPTER I.—GENERAL.

Section 189.*

1. In carrying out the following rules, Revenue officers shall have regard to the instructions of the Board of Revenue for the guidance of Revenue officers, so far as such instructions are consistent with the rules herein prescribed under Act VIII of 1885.

2. Except where otherwise provided for by law or by these rules, all proceedings and orders of Revenue officers, passed in the discharge of any duty imposed upon them by or under this Act, shall be subject to the supervision and control of the Board of Revenue; and the orders of each Revenue officer under this Act shall be subject to the supervision and control of the Revenue officers to whom he may be declared by the Board of Revenue to be, for the purposes of the Act, subordinate:

The Collector and the Commissioner in whose jurisdiction operations under these rules are in progress shall be entitled to inform themselves of the nature and progress of such operations.

Board's Instruction.

Under this rule Assistant Superintendents of the Survey Department appointed to be Revenue officers are declared to be subordinate to Deputy Superintendents of the Survey Department appointed to be Revenue officers. Assistant Settlement Officers are declared to be subordinate to Settlement Officers, and Settlement Officers are declared to be subordinate to the Director of Land Records or to the Commissioner, or Collector, as the Board shall in each case direct.

3. Where no other mode of service of notice is prescribed by the Tenancy Act or by these rules, service shall be effected in the manner prescribed for the service of a summons on a defendant under the Code of Civil Procedure, if the

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*These references are in all cases to the sections of the Bengal Tenancy Act (Act VIII of 1885).

notice is addressed to only one person; and if it is addressed to a number of persons occupying or owning land in the same village, the notice shall be served by proclamation and beat of drum, and by posting it in the presence of not less than two persons on some conspicuous place in the village, and also by fixing it up in the village office, if any, where the rent is usually paid.

* * * * * * *

CHAPTER IV.—Record of Proprietor's Private Lands.

1. *Section* 118.—Applications under this section may be made to the Collector of the district, or to the officer in charge of the sub-division in which the land in question is situated, or to any Assistant or Deputy Collector specially empowered by Government to receive such applications. If the application is made to the Collector of the district, he may transfer it for disposal to any officer empowered by Government to receive it.

2. The application shall be signed by the party making it, and shall contain the following particulars, so far as the applicant is able to furnish them:—

(*a*) The name, towji number, and Government revenue of the estate.
(*b*) The names of the registered proprietors, and the share held by each.
(*c*) The specification of each plot of land referred to in the application, showing the village in which it is situated and the area and boundaries of each plot, if known.
(*d*) The names of the tenants (if any) in occupation of each such plot.
(*e*) Grounds of the application.

3. On receipt of the application the officer shall make such enquiry as he may think fit by examining the applicant or his agent, and may call for further particulars before ordering further proceedings.

4. If the area of the lands has not been already ascertained by measurement made by competent agency under the authority of Government, or if for sufficient reason a further measurement is considered desirable, the officer shall order the lands to be measured, and shall estimate the cost of measurement in accordance with the rules for the time being in force for the measurement of lands in partition cases, and shall require the applicant to deposit the amount either at once or in such instalments as he may deem fit.

CHAPTER V.—Service of Notices.

1. *Sections* 12, 13, *and* 15.—Notices under these sections shall contain, so far as may be possible, the particulars given in the forms specified in schedule I, and shall be served on the landlord or his agent or, where two or more persons are joint landlords, on their common agent referred to in section 188, or on their common manager appointed under section 95, as the case may be, in the manner prescribed for the service of a summons on a defendant under the Code of Civil Procedure. Where there is more than one landlord, and no common agent or common manager has been appointed, the notice shall be served by being posted on the landlord's village office, if any; and if there be no village office, by fixing it up in the presence of not less than two presons on some conspicuous place on the tenure, and a copy shall also be forwarded by post in a letter registered under Part III of the Indian Post Office Act to the person or persons to whom immediately preceding the transfer the rent had ordinarily been paid. When notice is served personally, the landlord's fee shall be tendered with the notice. If in cases of personal service a receipt cannot be obtained for the fee from the landlord or his agent, and in all cases when the notice is not served personally, the fee shall be held in deposit by the Collector until applied for by the person or persons authorised to receive it.

Board's instruction.

It has been decided by Government that registration officers are to send the landlord's fee to Collectors (including sub-divisional officers under the term) and not to the treasury direct. It will generally be apparent on the face of the notice accompanying the fee whether the fee can be tendered personally or not, and the Collector or some gazetted officer of his establishment will therefore decide at once whether the fee is to go into deposit in the first instance or

is to be made over to the nazir to be personally tendered to the landlord. It is important to guard against the needless accumulation of fees in the hands of the nazir and his peons.

All deposits of landlord's fees must be treated exactly like any other revenue deposits, and are subject to the usual rules for the repayment of such deposits.

2. *Section* 45.—Notice to a raiyat to quit under this section shall be served through the Court having jurisdiction to entertain a suit for ejectment from the holding in the manner prescribed for the service of a summons on a defendant under the Code of Civil Procedure, and shall be subject to the same process fee.

3. *Section* 46 (2).—The agreement under this section shall be filed in the Court having jurisdiction to entertain a suit for arrears of rent of the holding, and shall be served on the raiyat in the manner prescribed for the service of a summons on a defendant under the Code of Civil Procedure, on payment of the fee prescribed by the High Court.

4. *Section* 46 (4).—The notice under this section shall be filed in the Court having jurisdiction to entertain a suit for arrears of rent of the holding, and shall be served on the landlord in the manner prescribed for the service of a summons on a defendant under the Code of Civil Procedure, on payment of the process-fee prescribed by the High Court.

5. *Section* 63 (2).—In cases (*a*), (*b*), and (*d*) of section 61 herein referred to, the notice of the receipt of the deposit shall be served by forwarding the notice by post in a letter registered under Part III of the Indian Post Office Act, 1866, or, where the Court may deem it necessary, in the manner prescribed for the service of a summons on a defendant under the Code of Civil Procedure.

6. *Section* 72 (2).—The general notice referred to in this sub-section may be published by the transferee by fixing up a written notice to the tenants in the village office or in the presence of not less than two persons in some conspicuous place on the lands, and by proclaiming to the tenants by beat of drum, in every village to which the transfer extends, that the interest of the former landlord has passed to the transferee. The transferee may, if he thinks fit, apply for service of the notice to the Civil Court having jurisdiction to entertain a suit for arrears of rent of the holding, and the Court shall thereupon serve the notice as hereinbefore prescribed on payment of the process fee prescribed by the High Court.

7. *Section* 73.—Notice under this section shall be in writing, and shall be delivered to the landlord or his agent or, where two or more persons are joint landlords, to their common agent referred to in section 188, or to their common manager appointed under section 95, as the case may be, at the landlord's village office, or at such other convenient place as may be appointed by the landlord for the payment of rent under sub-section (2) of section 54.

8. The raiyat may, if he thinks fit, cause the notice to be served through the Civil Court having jurisdiction to entertain a suit for arrears of rent of the holding in the manner prescribed for the service of a summons on a defendant under the Code of Civil Procedure, on payment of the process fee prescribed by the High Court.

9. *Section* 86 (2) *and* (4).—If the raiyat elect to proceed under the second sub-section of this section, he may personally serve a written notice of his intention to surrender on his landlord; but if he elect to proceed under the 4th sub-section of the section, notice of the raiyat's intention to surrender shall be served on the landlord in the manner prescribed for the service of summons on a defendant under the Code of Civil Procedure on payment of the process fee prescribed by the High Court.

10. *Section* 87.—A notice of the tenant's abandonment of his holding under sub-section (2) of this section shall be in the form specified in Schedule I, shall be published by beat of drum upon the holding alleged to be abandoned, and a copy thereof shall be affixed in the presence of not less than two witnesses, to some dwelling-house, or tree, or other conspicuous object upon the holding. The fee payable by the landlord shall be Re. 1.

11. *Section* 155.—Notice to the tenant under this section shall be filed in the Court having jurisdiction to entertain a suit for arrears of rent of the holding, and shall be served in the manner prescribed for the service of a summons on a defendant under the Code of Civil Procedure, on payment of the fee prescribed by the High Court.

Chapter VI.—Record of Rights and Settlement of Rents

Powers of Revenue Officers, Section 189.

1. Revenue officers appointed to be settlement officers or assistant settlement officers for the purpose of making surveys, records of rights, settlement of rents, determination of proprietors' private lands, and such like proceedings, or any one or more of them under the Tenancy Act, are hereby vested with all powers exercised by a Civil Court in the trial of suits, and with the powers mentioned in section 189 (1) (*b*) and (*c*) of the Tenancy Act, VIII of 1885.

2. Deputy Superintendents of Survey and Assistant Superintendents of Survey employed in operations under these Rules are hereby declared to be Revenue officers for the purposes of performing any duty imposed upon them by these Rules, or by instructions consistent with these Rules, issued by the Board of Revenue. They are hereby vested with the powers specified in section 189 (1)(*b*), provided that an Assistant Superintendent shall not exercise the powers vested in a Superintendent under the Bengal Survey Act.

Procedure for Cadastral Survey and Record of Rights.

3. The following processes will ordinarily be comprised in a cadastral survey, record of rights, and settlement of rents:—

I.—Demarcation of boundaries.
II.—Measurement.
III.—Testing of measurement.
IV.—Record of rents and rights.
V.—Determination of fair rents on application, and, in certain cases, without application, of parties.

Demarcation of Boundaries before Cadastral Survey.

4. The demarcation of village boundaries shall be carried out in accordance with the definition of a village given in section 3 (10), and the boundary according to possession, where different from that demarcated as above, shall also be shown on the map.

Board's instruction.

Detailed instructions for the demarcation of boundaries of villages, estates, and tenures will be found in the Board's Survey Manual.

5. Boundary pillars of a permanent nature shall be erected at every point where the boundaries of three or more villages meet, and may be erected wherever the Revenue officer considers it necessary to define by pillars the boundaries of estates or tenures, or of lands which have been the subject of dispute.

Board's instruction.

Instructions for erection of pillars will be found in the Board's Survey Manual.

Measurement.

6. A field map of every village shall be prepared. It shall show the boundaries of every field separately assessed to rent, or of such plot of land as the instructions of the Board of Revenue for giving effect to these rules may lay down.

7. A field register or khasra shall be prepared at the time of survey in the following form, or such similar form as the Board of Revenue may direct.

8. In preparing the khasra and khatian, officers shall be guided by such instructions, consistent with these rules, as the Board of Revenue may issue for the purpose for giving effect to these rules.

Form of Khasra.

1		2	3	4	5	6	7	8	9	10									11		12			13		14	15
Field.	Number.	Name of estate or share of estate.	Name of proprietor and landlord, with parentage, caste, and residence.	Name of raiyat, father's name, caste, and residence.	Name of under-raiyat, father's name, caste and residence.	Area in square yards according to which measurement has been made.	Area in village bigah of the last. bathe to	Method of irrigation.	Non-irrigated.	Cropped area.							Dofasli area.	Details of Uncropped Land.		Rate of Rent of Raiyat.			Rate of Rent of Under-Raiyat.		Class of soil.	Remarks.
										Bhadoi.		Rabi.		Aghani.				Class of lands.	Area.	According to zemindar.	According to raiyat.	According to patwari.	According to raiyat.	According to under-raiyat.		
	Boundaries.									Crop.	Area.	Crop.	Area.	Crop.	Area.					a	b	c	a	b		
	a																									
	b																									

9. Khatians or abstracts of the particulars of every raiyat's and under-raiyat's holding, and, so far as may be, of the tenure of every tenure-holder and under-tenure-holder, shall be prepared in the following form, or such similar form as the Board of Revenue may prescribe :—

Form of Khatian.

Khatian of A.B., son of C.D., of mouzah , pergunnah , mehal , district

the property of , proprietors

1	2	3	4	5		6	7	8	9	10		11		12			13	14	15	16	17	18	19	20
Name of landlord.	Serial number of raiyat.	Name of raiyat with parent's name, caste, residence.	Name of under-raiyat with parent's name, caste and residence, and number of under-raiyat's khatian.	Khasra number of fields and boundaries thereof.		Rent-paying area in—				Present rent.							Fair rent fixed by revenue officer (if any).	Class of holding, and, in case of non-occupancy raiyats, length of possession.	Mode in which rent has been fixed, *i.e.*, whether by contract, order of the court, or otherwise.	If the rent is gradually increasing, the time at which and the steps by which it increases.	The special conditions and incidents of the tenancy (if any).	Enumeration of columns the entries in which have been the subject of dispute.	Enumeration of columns the entries in which have *not* been the subject of dispute.	Remarks.
						Bighas according to which measurement was made of square yards.			Total area in village bighas.	According to zemindar.		According to raiyat.		As ascertained by revenue officers.										
				Number.	Cultivated.	Cultivated.	Not cultivated.	Total.		(*a*) Rent.	Cesses.	(*a*) Rent.	(*b*) Cesses.	(*a*) Rent.	(*b*) Cesses.	(*c*) Total.								

Note—The heading of columns 10 and 11 will for khatians of under-raiyats be changed to "according to raiyat," and "according to under-raiyat," respectively. In the case of tenure-holder's *khatians*, the heading of column 11 will be "according to tenure-holder" and in the case of under-tenure-holders' *khatians*, the heading of columns 10 and 11 will be altered to "according to tenure-holder and "according to under-tenure-holder," respectively.

The instructions for the preparation of khasra and khatians under Rules 8 and 9 will be found in the Board's Survey Manual.

Record of Rights.

10. The Record of Rights shall consist of and be contained in :—

I.—The khewat.
II.—The khatian.

Rights of Proprietors.

11. The khewat shall contain a record of the character and extent of proprietary interests.

12. It shall be prepared in the following manner :—

(*a*)—An extract from the Collector's Registers A,B,C,D framed under the Land Registration Act, VII (B.C.) of 1876, containing the names, extent, and character of the interests of proprietors of all revenue-paying and revenue-free lands comprised within the mouzah, shall be supplied by the Collector of the district to the Revenue officer on the latter's application.

(*b*)—If the Revenue officer finds that the proprietary interests existing in the village are in accordance with the entries regarding extent and character of proprietary interests as given in the Collector's registers, he shall have the entries copied into the khewat, which will form the record of proprietary and proprietary-mortgagees' interests for the purposes of the record of rights under the Tenancy Act. The extracts from the Collector's land revenue registers will also show the names and proprietary interests of managers and mortgagees of all revenue-free property within the village.

(*c*)—If any person claiming as proprietor or as assignee or mortgagee of an alleged proprietor deny the accuracy of the khewat as copied from the Collector's registers, the Revenue officer shall refer him to the Collector of the district, and shall also report the fact to the Collector in order that action may, if necessary, be taken under the Land Registration Act, to compel registration of the proprietor's name.

(*d*)—In any proceeding under Chapter X, the Revenue officer may, at his discretion, recognise as proprietor the person in possession of the land pending the registration of his name and interest under the Land Registration Act.

Board's Instruction.

Under this rule a record of proprietary rights is to be prepared which must in general be in accordance with the entries in the Collectors' registers prepared under the Land Registration Act ; but inasmuch as it is known that the Collectors' registers do not in many cases represent the existing facts, and inasmuch as if the Settlement Officer were to decline to recognise as proprietor every person whose name and interest have not been duly registered under the Land Registration Act, it is possible that his work might be brought to a standstill, hence discretion is allowed to the Settlement Officer under clause (*d*) to recognise a claimant of proprietary interests as proprietor, though his name may not have been registered. This discretion should only be exercised when there is practically no doubt that the claimant of proprietary right is really the proprietor. But though a non-registered proprietor may be thus recognised, such recognition will not dispense with the necessity for registration. All cases of such recognition of non-registered proprietors should be at once reported to the Collector, who should take immediate action to compel registration. The khewat or record of proprietary rights cannot be finally published till such registration has been completed, but the record of rights of tenure-holders, raiyats, and under-raiyats may be published without awaiting such registration. The forms in which the records of proprietary rights are to be prepared are given in Nos. 16 to 18, Appendix C.

Proprietor's private lands,—Nij-jote, Sir, Zerat, or Khamar.

13. Only land which is proprietor's private land, as defined in section 120 of the Tenancy Act, will be entered as such. Land which, though cultivated by the proprietor, is not proprietor's private land within the meaning of the laws

will be entered thus—" Cultivated by the proprietor but not private land. Separate khatians will be prepared for such land and for " proprietor's private land."

Rights of Tenure-holders, Raiyats, and under-Raiyats.

14. The record of tenure-holders', raiyats', and under-raiyats' rights shall be prepared in the following manner.

15. As soon as possible after the completion of the field measurements of each village, the following papers shall be made over to the Revenue officer :—

(1) The map. (2) The amin's khasra.
(3) The khatian.

16. On receipt of these papers, the Revenue officer shall issue a notification which may be in the form given in schedule I attached to these rules, fixing a day, which shall not be less than one month from the date of issue of the notification, on which he will be present at some place to be specified, at or near the village, and after which applications for the settlement of fair rents will not be received. The notification shall further state that on the day so fixed, or on any other day to which the proceedings may be adjourned, the Revenue officer will proceed to record rents when the circumstances are such as are specified in section 104 (1) ; or to settle fair and equitable rents on the application of either party ; or on the Revenue officer's own motion when the case falls under section 104 (2) ; and it shall require all parties interested in the subject-matter of the enquiry to attend at the time and place specified with such evidence as they have to offer in connexion with the proceedings. Such notice shall be forwarded to the subdivisional officer and the Munsif within whose jurisdiction the land is situated to be affixed in their respective courts, and it shall also be published by proclamation and beat of drum and fixed up in the presence of not less than two persons in some conspicuous place in the village to which it refers.

17. The Revenue officer may also, if he deem fit, take such additional measures, under rule 1 of this Chapter, as may be desirable to procure the attendance at the place specified in the notice to be issued under the last preceding rule of the under-raiyats, raiyats, landlords, tenure-holders, and proprietors, or their authorised agents.

18. The record of rights of tenure-holders and under-tenure-holders shall be, as far as may be practicable, prepared in the same way as the record of raiyats' rights, or in such other manner, not being inconsistent with these rules, as the Board of Revenue may direct. The record of rights of under-raiyats shall be, as far as may be practicable, prepared in the same way as the record of raiyats' rights, or in such other manner, not inconsistent with these rules, as the Board of Revenue may direct.

Board's Instruction.

The record of the rights of tenure-holders and under-tenure-holders should be prepared in the same manner and form, as the record of raiyats' rights, where the tenure is of a raiyati character, such as that of a head raiyat who, though a tenure-holder, cultivates part of his tenancy himself, and in the same manner and in similar form to the record of proprietary interests, where the tenure is of a proprietary character, such as that of a thikadar, ijaradar or other proprietary assignee ; see specimen form No. 19, Appendix C.

19. The record of raiyats' rights shall be prepared in the following manner.

20. On the date specified in the notice to be issued under rule 16, or on any other date to which the proceedings may be adjourned, the entries which the amin has recorded in each tenant's khatian at the time of measurement shall be read out in presence of such of the interested parties as are in attendance. If the correctness of the entries recorded by the amin be disputed, the Revenue officer shall settle the dispute by local enquiry or otherwise : provided that, if the correctness of the measurement is called in question, and a fresh measurement demanded, the revenue officer may require the costs of the re-measurement to be deposited. If the re-measurement show the original measurement to have been inaccurate, the amount deposited shall be refunded to the objector.

Board's instruction.

It is of great importance that the parties should be made to thoroughly understand the entries made in the khatians against them, and that their objections should be patiently and carefully enquired into. In order that this may be the more thoroughly done, the Settlement Officer may depute a canangoe, or trustworthy subordinate of similar rank, to the village to explain the entries and note objections made to them before he visits the village himself and before he has the entries read out under this rule. One of the best safeguards for the accuracy of the work is the admission of the correctness of the entries affecting them by the parties interested. Without such assent all other tests are of comparatively little value.

21. The Revenue officer shall ascertain what raiyats claim the right to hold at fixed rates, explaining, as far as may be necessary, the provisions of the Act in this respect. If the right claimed is disputed by the landlord, the Revenue officer shall call on the claimants for proof of such right.

22. The Revenue officer shall ascertain which of the raiyats are settled raiyats or occupancy raiyats, as the case may be, and shall record them as such in column 14 of the khatian.

23. The Revenue officer shall ascertain what raiyats are non-occupancy, and to this end he shall be entitled to call upon the landlord, or his agent, to produce a statement showing the names of the raiyats alleged by him to be non-occupancy raiyats. On production of such statement, the Revenue officer shall explain to the raiyats whose names are entered in the statement, and who have not already been recorded as occupancy or settled ryots, the nature of the presumption raised by section 20 (7). If after such explanation a raiyat admits himself to be a non-occupancy raiyat, he shall be recorded as such. If he does not admit himself to be a non-occupancy raiyat, the Revenue officer shall call on the landlord to prove the allegation made by him in regard to such raiyat.

24. Abwabs shall not be recorded with, nor entered as forming part of, the existing rent. Cesses which are authorized by law shall be recorded in column 12 (*b*).

25. The Revenue officer on the day fixed by the notice issued under Rule 16 shall, as far as may be convenient, first proceed to record rents under section 104, clause 1. When neither the landlord nor the tenant has applied to have a fair and equitable rent fixed, and when it does not appear that the tenant is holding land in excess of, or less than that for which he is paying rent, the Revenue officer shall summarily ascertain the tenant's present rent, and record it in column 12 of the *khatian* as the rent payable in respect of the land held by the tenant.

Board's Instruction.

Provided that the Settlement Officer shall never decide a dispute as to any entry in the *khatian* unless he is holding his Court within the boundary of the village in which the plot lies.

26. When all rents to which section 104, sub-section 1, is applicable have been recorded, as far as may be convenient, the Revenue officer shall proceed to settle rents under sub-sections 2 and 3 of the same section. In settling rents, the existing rent being presumed under section 104 (sub-section 3) to be fair till the contrary is proved, if the landlord claims an enhancement, he will have to prove the grounds of and amount of enhancement; and if a raiyat claims a reduction, he will similarly have to prove the grounds of reduction. Provided that it shall be in the discretion of the Revenue officer to admit an application made after the period fixed in Rule 16, if it be established to his satisfaction that the delay in making it was not due to any negligence or carelessness on the part of the applicant, and that, if it be not admitted, serious hardship or injustice would accrue to him. The order passed by the Revenue officer on all such applications shall be final.

Board's Instruction.

Before proceeding to settle rents, officers should make careful enquiries, make their draft records correct and in accordance with the facts, and should decide on general principles, subject to the approval of the Director or of the Board, where reference to the latter is necessary. They should be guided generally by those principles, but, in deciding particular cases, must take into account any special circumstances which render a different course of action necessary. Their discretion will not be fettered in disposing of individual claims and objections;

20. "(2) The Revenue Officer's camp fixed for the purpose of attestation and the summary record of existing rents and status of tenants must in no case be distant more than three miles from the furthest lands of the village or villages of which the records are being framed. As far as is reasonably practicable, objections preferred before attestation or at the time of attestation should be decided in the village in which the plot is situate to which the objection may relate." 2-2-93.

I hear and consider an objection.

but it is desirable that the general line of action to be followed by them throughout the settlement as a whole should be settled in the first instance after all the requisite enquiries.

27. If within the period fixed and notified under Rule 16 the landlord applies for the settlement of a fair rent, he shall be considered as plaintiff and the tenant as defendant, and the proceeding shall be dealt with as a suit under this Act. If within the same period the tenant applies for the settlement of a fair rent, he shall be considered as plaintiff and the landlord as defendant, and the proceeding shall be dealt with as a suit under this Act.

28. If it appears that a tenant is holding land in excess of, or less than that for which he is paying rent, and if within the period fixed and notified under Rule 16 of this chapter, neither landlord nor tenant applies for the settlement of a fair rent, or if an application be not admitted under the proviso to Rule 26, the Revenue officer shall, in accordance with the notice, proceed to fix a fair and equitable rent for the holding under section 104, sub-sections 2 and 3.

29. When a fair and equitable rent has been fixed under the last two preceding rules, it shall be entered in column 13 of the *khatians* at the rent payable in respect of the holding.

30. Where the estate or tenure belongs to or is managed by the Government or the Court of Wards, the procedure laid down in the preceding rules for recording or settling rents shall be followed, the Government or the manager of the estate or tenure, respectively, as the case may be, being regarded as the landlord.

Board's Instruction.

Under this rule it will be observed that Settlement Officers in making settlement of rents in Government and Ward's estates are bound by the same rules and must follow the same procedure as in settling rents in private estates. Where then the Court of Wards claims an enhancement in the existing rent, a formal application for settlement of fair rents should be made by an officer duly authorized in that behalf by the Manager, and evidence should be recorded in the same way as if the estate were owned by private landlords. The Settlement Officer is in such cases bound to settle a fair rent judicially in the same way as in an estate in possession of a private zemindar, with due regard to the provisions of the Tenancy Act. But if the estate belongs to Government, and a settlement of land revenue is being made, the Settlement Officer is bound of his own motion to settle a fair rent—*vide* section 104(2), and should himself call for and record any evidence that may be necessary to enable him to ascertain what would be a fair rent, having regard to the grounds of enhancement or reduction of existing rents given in the Tenancy Act for the determination of fair rents. In cases of this class the Settlement Officer should, on behalf of Government, himself call for and record such evidence as may be necessary in order to enable him to ascertain what would be a fair rent, and must not leave it to other parties to produce such evidence before him. The raiyats may be called upon to produce evidence as if they were defendants in such cases, and the proceedings should be conducted as nearly as may be as in a civil suit.

1 (*a*). When a Ward's or Government estate is under settlement, the Manager, or a competent officer on his behalf, should be present at the time of attestation; he should collaborate with the Settlement Officer, and place before him all the papers and information available, in order that the draft record may be so prepared as to accurately represent the facts. Managers of Wards' and Government estates should not await the publication of the draft records before pointing out what they think to be errors in the entries which the Settlement Officer has made or proposes to make; and if, after the publication of the draft records, they think it necessary to file objection before the Settlement Officer relating to questions which they might have raised, but failed to raise, before publication of the draft record, a special explanation should be submitted to the Board through the Director of Land Records. Appeals against judicial decisions of Settlement Officers should not ordinarily be instituted by Managers of Wards' and Government estates, without the special sanction of the Board, obtained through the Director of Land Records, when there is time to obtain such sanction within the period allowed for preferring an appeal. When there is no time to obtain the Board's sanction within the period allowed for appeal, and the Collector thinks it desirable to prefer an appeal, he may do so; but in that case he should report his action for confirmation of the Board through the Director of Land Records.

Rents of ryots.

2. The Tenancy Act gives rules for the assessment of the rent of occupancy ryots, and it is believed that these will be found clear and complete. The existing rent must, under section 104, be considered fair and equitable until the contrary is proved; the grounds on which it may be increased are stated in sections 30 and 52; those on which a reduction can be claimed in 38 and 52. In the former case the Settlement Officer is not bound by the limit of 2 annas in the rupee specified in section 30 of the Act, but he is at liberty to enhance the rent up to any sum to which a Civil Court would enhance it in a regular suit. The provisions of the Act as to the assessment of rent must be observed in all settlement proceedings, whether taken under Chapter X or under the Regulations. The work of ascertaining fair and equitable rates of rent is in its nature difficult, and too much care cannot be taken in its performance. Every mistake

made must be permanently injurious either to the interests of the revenue or to those of the raiyat.

3. The Act does not give precise rules for the assessment of the rent of non-occupancy raiyats, but the provision of section 46(9) should be observed, that in determining what is fair and equitable, regard should be had to the rents generally paid by raiyats for land of a similar description, and with like advantages in the same village. It will seldom be expedient to introduce a difference between the rates of rent paid by occupancy and non-occupancy raiyats, respectively, where none at present exists.

31. With the consent of the Revenue officer, any number of tenants occupying land under the same landlord, in the same village or estate, may make a joint application for the settlement of rents, or may be joined as defendants in the same proceeding on a similar application by the landlord; provided that if at any time it shall appear to the Revenue officer that the question between any two of the parties of whom one is so joined with others cannot conveniently be so jointly tried, he may order a separate trial to be held of that question, or he may pass such other order, in accordance with the Civil Procedure Code, for the joint or separate disposal of the application as he may think fit.

32. In proceedings under section 106, when a dispute arises before the final publication of the record regarding the correctness of an entry (not being an entry of rents settled under Chapter X) or as to the propriety of any omission, notice of the objection shall be served on all persons whose interests may, in the opinion of the Revenue officer, be affected thereby, and they shall be called upon to attend at such time and place as the Revenue officer may fix for the disposal of the objection. If any person attends and contests the objection, the proceeding shall be dealt with as a suit between the parties under the Tenancy Act, in which the objector shall be plaintiff and the other parties defendants. If no person attends to contest the objection, the record may be amended accordingly, or the person who made the objection may, if the Revenue officer thinks fit, be called upon to produce evidence in support of his objection, which may in that case be heard and decided as a suit *ex parte* under the Tenancy Act.

Publication of the Record of Rights.

33. When the record of rights has been prepared in the manner described in Rules 20 to 32, the Revenue officer shall cause a draft of the khewat and *khatian*, or, when more convenient, of each separately, to be published in the following manner.

Notice shall be posted up at the landlord's village office if there be one, and if there be none, then, in the presence of not less than two persons, on some conspicuous place in the village, stating that the records will be published in the village at a place and time to be specified not less than one week from the date of such notice, and calling on all persons interested to attend on the date so specified. The Revenue officer shall either proceed to the place so specified himself, and read the contents of the record in the presence of parties who attend, or he shall depute an officer, not below the rank of canoongo, who shall read out the contents of the record in the presence of so many of the parties as attend, and the Revenue officer or officer deputed by him, as the case may be, shall at the same time inform the parties who attend that the draft record will be open for inspection for one month in the office of the village landlord, if there be one, and if not, in the office of the Revenue officer, or in such other convenient place as the Revenue officer may determine. The Revenue officer shall receive and consider any objection which may be made to any entry during the period named.

34. When all applications for settling a fair rent have been disposed of and all disputes of the nature mentioned in Rule 32 have been decided, and all objections of the nature mentioned in rule 33 have been considered by the Revenue officer, he shall note in the khewat and the appropriate columns of the khatian in regard to each entry what entries have been and what entries have not been the subject of dispute. He shall then finally frame the record and cause it to be published by notifying that its contents will be read out in the village at a time and place to be specified not less than a week from the date of such notice, and by reading it out himself or causing it to be read in the village on the date so

specified, in the manner prescribed in Rule 33, in the presence of the parties or of so many of them as attend.

Supply of Copies of the Record of Rights to parties interested.

35. The Revenue officer having completed the record shall cause copies of it to be made, one of which will be made over to the proprietor of the village, or, where there are more proprietors than one, to their common agent or common manager, as the case may be, one to the village patwari, if there be a patwari, one to the Collector or Subdivisional Officer.

A copy of the khatian relating to his tenancy shall be given to every tenant under the signature and seal of the Revenue officer.

Applications by Proprietors for Survey and Record of Rights.

36. *Section* 103.—Applications under this section shall be made to the Collector of the district

37. The application shall specify—

(*a*)—The status of the applicant, viz., whether he is a proprietor or a tenure-holder, and the particulars in respect of which the application is made.

(*b*)—The number of tenants (so far as the applicant is able to state it) occupying the estate or tenure or part thereof in respect of which the application is made, the total rent payable by them at the time, and the estimated area covered by the application.

38. If the application is made by a proprietor, it shall not be admitted unless the name of the applicant and the extent of his interest are registered under Act VII (B C.) of 1876.

39. On receipt of the application, the Collector shall forward it to the Commissioner with any remarks which he may think necessary.

40. The Commissioner may call for further information, or may require the application to be amended.

41. If the Commissioner shall have reason to believe that the number of tenants affected by the application does not exceed 1,000, and that the rent payable by them at the time the application is made does not exceed Rs. 25,000, he shall pass an order allowing or rejecting the application ; but otherwise he shall forward the application with an expression of his opinion for the orders of the Board of Revenue.

42. A Commissioner rejecting an application shall record his reasons for doing so, and the applicant, if dissatisfied with the order, may appeal within one month to the Board of Revenue.

43. When an application is referred to the Board under Rule 41, or in consequence of an appeal under Rule 42, the Board shall pass such orders as it may think fit for allowing or rejecting the application.

44. The Commissioner or the Board, as the case may be, when allowing an application, shall specify the Revenue officer or officers by whom the record is to be prepared.

45. As soon as an application is allowed, the Collector shall call upon the applicant to deposit the expenses at the rate of eight annas per acre for the estimated area in respect of which the application has been allowed. If the Collector is unable to estimate the area, he shall calculate the expenses at the rate of Rs. 2 per each tenant. If the amount does not exceed Rs. 500, the applicant must deposit the whole amount in advance. If it exceeds Rs 500, the applicant shall deposit the sum of Rs. 500, and shall give such security as the Collector may require for the balance. The applicant shall, when called upon, from time to time, deposit such further sum as may be necessary for carrying on the operations. On completion of the proceedings, any unexpended balance shall be refunded to the applicant.

46. In conducting the operations, the Revenue officer shall proceed in accordance with the rules for the guidance of officers acting under orders made under section 101.

CHAPTER VII.—General Scale of Fees.

1. *Section* 189 (1).—*For service of Notices.*—For the service of every notice under this Act not being a notice issued by any Revenue or Civil Court (fees for serving which are regulated by the Court Fees Act), and not being provided for by any other rule made under this Act, a process fee of 12 annas shall be levied, if the notice be directed to one or more persons residing in the same village.

2. Where such notices are directed to several persons resident in different villages, a fee of 12 annas shall be levied for service in each village.

3. In addition to the above fee, the actual charge which must be incurred, if it is necessary to travel by railway or boat, or cross ferries, will be levied from and paid by the person at whose instance the process is issued before issue of the process. If a peon carries more than one process involving charges for railway-fare, boat-hire, &c., the sum leviable will be charged in equal shares upon all the processes so carried. The rates at which such boat-hire is to be charged shall be the same as those fixed for criminal processes under Rule VII of the rules prescribed by the High Court under clause 2, section 20, Act VII of 1870, and shall be sufficient only to cover, on the whole, the actual cost of hiring boats, or of such boat establishment as it may be necessary to maintain for the purpose of serving processes of these clauses.

4. If a peon is detained at the place of service for more than 24 hours at the request of the person at whose instance the process was issued, or of his agent, such person or agent must then and there pay demurrage at the rate of 5 annas a day. Unless this demurrage is paid, the peon must decline to wait. No demurrage is to be charged if the delay was not due to the person requiring the process or to his agent.

5. *Section* 61 (2) —*For deposits of rent.*—For deposits of rent under section 61 (2), 4 annas for every such deposit of Rs. 25 or less, with an additional 4 annas for every Rs. 25 or part of Rs. 25 in excess: provided that in no case shall the fee exceed the sum of Rs. 5.

6. *Section* 134.—*For distraint of crops.*—The following scale of charges is prescribed on account of processes for distraint and sale under the Bengal Tenancy Act:—

(*a*)—In respect of the warrant of distraint—8 annas.

(*b*)—In respect of each man necessary to effect the distraint and also to ensure safe custody, where such man is to be left in actual possession—4 annas a day.

(*c*)—In respect of action taken under section 126 (clause 2) for the reaping, storing or preservation of the crop distrained—4 annas a day for every person employed, and in addition actual hire of threshing floor or store-house, if necessary.

In addition to the charges under clause (*a*), (*b*), and (*c*) above, railway-fare boat-hire, and ferry charges will be levied, when necessary, as under Rule 3 of this chapter.

FORM OF NOTICE UNDER RULE 16, CHAPTER VI OF THESE RULES.

Notice to the proprietors, tenure-holders, landlords, raiyats, and under-raiyats of—
Village
Pergunnah
Thana
District

Take notice that under the powers vested in me by the Bengal Tenancy Act, VIII of 1885, and the rules made thereunder, I shall, on the day of 1888 at proceed to record the rents of all tenants holding or cultivating lands in the abovenamed village; I shall also, at the said time and place, or at such other time to which the proceedings may be adjourned, proceed on the application previously made of either landlord or tenant to settle fair and equitable rents under section 104, sub-sections 2 and 3 of the said Act. Furthermore, notice is given that, should it then appear that any tenant is holding land in excess of or less than that for which he is paying rent, and should neither the landlord or tenant apply to have a fair rent settled, I shall, in accordance with the said section of the Tenancy Act, proceed of my own motion to settle a fair and equitable rent for such tenant's holding.

No landlord or tenant shall be entitled to present an application for settlement of fair and equitable rents after the above-mentioned date. All applications should therefore be presented to me before the said date.

You are hereby required to attend before me at the above-mentioned time and place, and at any other time and place to which the proceedings may be adjourned, and to produce such evidence, written or oral, as you may have to offer on the subject-matter of the proceedings.

Revenue Officer.

APPENDIX B.

RULE I, CHAPTER 5.

SPECIAL RULES FOR SETTLEMENT OF ALLUVIAL FORMATIONS.

Islands the property of Government.

1. WHENEVER the Collector may receive information by report from the Survey Department, or from any other quarter, that an island has formed in any large navigable river within his jurisdiction, he shall proceed to enquire whether the alluvial formation, or any part of it, occupies a site identifiable as having once belonged to an estate on which no remission of revenue has been allowed in respect of such a site or to a valid lakhiraj tenure. If the whole formation occupy such a site, the Collector shall take no further proceedings.

2. If, on the other hand, the formation, or any part of it, does not occupy a site so identifiable, the Collector shall next proceed to consider whether such formation, or such part of it, comes properly under the description contained in clause 3, section 4, Regulation XI of 1825. If he find that it does, he should at once proceed to take possession under the authority conveyed by section 3 Bengal Act IV of 1868, which modifies Act IX of 1847 as regards islands.

3. This should be done in the usual native method, viz., by erecting a long bamboo on the land in the presence of some of the chowkidars or chief inhabitants of the neighbouring villages. A proceeding should be recorded on the spot by the officer taking possession, and should be attested by the witnesses. This proceeding should contain as exact a statement of the position and area of the land as can be made with compass bearings of conspicuous objects on the mainland.

4. Possession assumed under Rule 2 should be merely temporary until it has been ascertained whether or not the channel round the island is fordable throughout the year. If the channel be found to be not so fordable, the land should be considered the property of Government, and should be assessed and settled.

5. In every succeeding year, up to the time when the island may come under settlement, enquiry should be made at the end of the rainy season into its condition, and the rights of Government re-asserted wherever necessary.

6 A register of such cases should be kept in the form given in Appendix C. No. 5.

7. In these cases the proprietary right being vested in Government, no party can have any *right* to engage. Should any person, however, acting in good faith, have broken up the soil, his prior occupancy may be taken into consideration.

Increments to estates the property of the owners of the estates.

8. Land gained by gradual accession, whether from the recess of a river or of the sea, is, under section IV, Regulation XI of 1825, to be considered an increment to the tenure of the person to whose land or estate it is thus annexed; but, as mentioned in that section, such land is liable to assessment to the public revenue to which it may be liable under the provisions of Regulation II of 1819 or of any other law in force; *i.e.*, it is liable to assessment "in the same manner as other unsettled mehals," and the revenue assessed belongs to Government (*vide* clauses 1 and 2, section 3, Regulation II of 1819).

9. Act IX of 1847 laid down—

"that no measures shall hereafter be taken for the assessment of such lands
* * * except under the provisions of this Act."

Section III of the Act is as follows:—

"It shall be lawful for the Government of Bengal, in all districts or parts of districts of which a revenue survey may have been or may hereafter be completed and approved by Government, to direct from time to time, whenever ten years

from the approval of any such survey shall have expired, a new survey of lands on the banks of rivers and on the shores of the sea, in order to ascertain the changes that may have taken place since the date of the last previous survey, and to cause new maps to be made according to such new survey."

Section 5 provides for deductions from the sudder jumma to be made on account of land which such new maps show to have been washed away; and section 6 for assessments on land which such new maps show to have been added to estates.

10. In connection with the survey of the lands on the banks of Ganges and Megna in the Furreedpore, Dacca, and other districts in 1877 and the following years, much discussion has taken place as to the proper construction of this Act, and the action to be taken under it. It has been decided that land which can be proved to have reformed on a site which has formerly occupied by land included in the Permanent Settlement is not liable to assessment as having been "added" to the estate in the sense of section 6 of the Act, even though the maps of the last preceding survey may show that the site was covered with water at the time of such preceding survey.

11. On the other hand, the mere fact of the area of an estate being less than it was at the time of the settlement (in consequence of diluvion having taken place in other parts of the estate) will not exempt the settlement-holder from the the liability to assessment on any particular plot of land which a comparison of the maps shows to have been "added to the estate" since the last survey, unless he can prove that such land has actually reformed on the very site of land which existed, and was included in the Permanent Settlement of the estate. The Government order* puts the case thus:—

* Government order No. 2947, dated 29th November 1878, paragraph 8.

"It appears to the Lieutenant-Governor that as Government is now bound to leave alone all lands that the zemindars can show to have been within the limits of their original estates, so long as they have kept their proprietary title alive by paying the Government revenue thereon, Government may very fairly insist on assessing all lands added to the original estate by accretion from the river bed or the sea. The natural presumption is that newly-formed land is a gain from the public domain, and as such is liable to assessment. But it is open to any zemindar to show that it is really a re formation, and if this is proved, or if the revenue officers themselves have reason to believe the land to be a re-formation of revenue-paying land, they are bound to leave it alone. It is a corollary of this principle that zemindars cannot be forced to take abatements on account of diluvion: Government has no power practically to confiscate their prospective rights to re-formation."

12. The rules that have been laid down for the conduct of this dearah survey with the approval of Government, are annexed to this section, as they will serve as a guide in similar operations; but whenever such surveys are to be undertaken, the first step should be to obtain instructions from the Board in the shape of a set of rules for the guidance of the officers concerned. If the rules now published are wholly applicable, they can be adopted with the Board's sanction; otherwise such modifications may be proposed to the Board as the circumstances of each survey require.

13. Rules XI, XIII, XVII and XVIII of the annexed set embody important principles, which will apply to all such surveys and resettlements.

14. In effecting the settlement of alluvial land with the proprietor of a temporarily settled estate (*see* Act XXXI of 1858), the Settlement Officer should, with his consent and with the consent of the Board of Revenue, incorporate the assessment of the increment with that ofthe parent estate, taking one revised engagement for the amalgamated revenue of the whole as an integral estate. If the parent estate be permanently settled, or if, in the case of a temporarily-settled estate, either the proprietor or the Board decline to assent to the course above prescribed, the increment must be assessed as a distinct estate, and be thenceforward held separately liable for the revenue assessed upon it.

15. If the alluvion is formed into a separate new estate, the Settlement Officer must take special care that the boundary between the alluvion and the settled estate is accurately mapped and recorded in the settlement proceedings, so as to preclude all future doubt or dispute on the subject.

16. Should the alluvion have accreted to a dependent tenure, the dependent tenure-holder is entitled, on payment of a fair increase of rent to his superior landlord, to hold the accretion for the term of his engagement. The Settlement Officer is required by section 2, Act XXXI of 1858, to ascertain and record, according to the rules prescribed by Regulation VII of 1822, the rights of any under-tenant in any alluvial land, but the Settlement Officer should treat with the superior landlord as the party responsible for the Government share of the rent. Should the zemindar prove recusant, the settlement may be made with the under-tenant, or the lands be held under direct management, or let in farm and treated as a separate estate, as may be most expedient.

INSTRUCTIONS FOR DEARAH SURVEY AND SETTLEMENTS.

SURVEY—*referred to in rule* 12 *above.*

Object of survey.

I.—The object of the dearah survey is to identify on the ground the line which is shown in the maps of the previous revenue survey as the line of contact between the land and the river, which will be here called *the outer line.*

Where the river has cut away lands since the previous survey, this line will fall in water, and the old boundaries of villages, as shown by the previous maps to have existed between it and the present bank of the river, cannot therefore be relaid on the ground, but they must be shown in the new map by red dotted lines.

Where, on the other hand, the river has receded from its former course, this outer line will fall in land, and the Deputy Collector will have to relay it on the ground.

Base line.

II.—As much of the land shown in the previous survey maps has been subjected to fluvial action since those maps were made, it will be impossible to relay the outer line without starting the present survey from a base line on land which has not been subject to fluvial action since the last survey, on which base line must be certain points which are unmistakably identifiable with points shown on the maps of the last survey. But the Deputy Collector will be careful to fix his base line as near as he can to the said outer line, provided that one base line shall be on land which has not been affected by fluvial action since the last survey, and which appears to be reasonably safe from being so affected for some years.

Connection of survey with previous surveys.

III.—In making surveys in districts where a previous survey has left permanent boundary marks, the Deputy Collector will connect his survey with the nearest boundary pillars shown in the professional maps. But in surveying in districts such as Tipperah, where there are no such boundary pillars, the Deputy Collector will have to find out his own starting points. He should connect his survey with some existing mark for the great trigonometrical survey pillar or some other permanent point; any information required to enable him to do so will no doubt be supplied from the Surveyor-General's Office on the application of the Collector.

Deputy Collector to issue detailed instructions to amins.

IV.—The Deputy Collector will issue detailed instructions to the surveyors and amins for relaying so much of the boundaries of villages between the base line and outer line as may be necessary for relaying the latter; for testing the accuracy of the work done on the field, and the agreement of the boundaries relaid with those shown in the maps from which they are relaid; for surveying the accretions and for showing them on the new maps, which will, of course, contain the base line by which they can be connected with the old maps as well as the outer line.

Procedure on ascertainment of diluvion.

V.—The new maps so prepared will show at what places diluvion or accretion has occurred since the last survey. As regards diluvion, the Deputy Collector will have to take no further steps while in the field, but as regards alluvion, he will have to lay down on the ground the line of contact between the land and the river as it existed at the previous survey. He will proceed to do this in the following manner.

VI.—The Deputy Collector's map will show him where the boundary between any two villages struck the river at the time of the last survey. He will fix the position of every such striking point by its bearing and distance from any two of his survey stations, and will demarcate it on the ground. He will then cause to be relaid on the ground the outer boundaries of villages from point to point. This will be done from thak maps. If in any case the thakbust and the professional maps are found to disagree, the Deputy Collector will show the disagreement in his map, but will accept the boundary obtained from the professional map to be correct. If the Deputy Collector should require the data of the original professional survey of any village boundaries, in cases of material disagreement between the thak and professional maps, the Collector should apply for them from the Office of the Superintendent of Revenue Surveys.

Procedure on ascertainment of alluvion.

VII.—Up to this point the duty of the Deputy Collector will have been to relay on the ground the boundaries exactly as they are shown in the maps of the previous survey without any reference to possession as now found to exist. But when he comes to the new land, *i.e.*, lands formed by the recession of the river since the previous survey, he must demarcate boundaries and measure according to possession, as his settlements must be made with the parties in possession.

Boundaries up to outer line to be relaid according to maps without reference to possession.

VIII.—The amin employed in the measurement of the alluvial accretion, which is in excess of the land shown in the old maps, will measure separately the lands which are in possession of each separate proprietor. When the demarcation of boundaries on such land is completed, the amin will proceed, under section 11 of the Bengal Survey Act V of 1875, to obtain signatures of persons who pointed out boundaries to him, will then submit his original map to the Deputy Collector, keeping a copy on which to enter the different descriptions of cultivated and uncultivated lands, with the measurement of which he will proceed. The Deputy Collector, on receiving the amin's map, will proceed, under section 12 of the Survey Act, before he finally confirms the boundaries shown in the amin's maps.

Procedure as to demarcation of new lands.

IX.—In order to make the present survey useful for future purposes, the Deputy Collector will erect permanent boundary marks along the outer line, where the village boundaries struck the river at the previous survey, and also at such triple junction points between the base line and the outer line as he considers necessary.

Boundary marks.

X.—The Deputy Collector will, while in camp, try to realize from the proprietors of estates in a summary manner, without going through the elaborate process laid down in the law (Bengal Act V of 1875), the costs of erecting these pillars. Where he fails to realize summarily while on the spot, he will follow the procedure laid down in the law, in view of which he should be careful to issue the notice required by section 15 of the Act before erecting any permanent boundary marks.

Recovery of costs of boundary marks.

XI.—In the case of estates which were the property of Government at the previous survey, there are in many cases settlement maps prepared subsequent to the survey. Some of these estates may have been sold to, or permanently settled with, private persons, while others may still belong to Government. But whether they are in the hands of Government or of private persons, it will be necessary in such cases to compare, not the maps of the previous revenue survey, but the last settlement maps with the present maps in order to determine the loss or gain of land to be dealt with by the Deputy Collector. Accordingly, when the Deputy Collector is about to begin his operations in any district, he will call on the Collector to furnish him with a list of such riparian or island estates as have been sold by Government, or have been permanently settled since the previous survey, and also of such estates as are at present under temporary settlement. This list, together with the last settlement maps of such estates, will be forwarded to the Deputy Collector, who will consult them in dealing with the alluvions and diluvions shown in his new maps.

Government estates sold since the previous revenue survey.

List of estates known to have diluviated since the previous survey.

XII.—The Deputy Collector will also call on the Collector to furnish him with a list of all estates which are known to have entirely diluviated since the last survey. This list will contain the name, number and jama of each estate, and the numbers of the thak and survey maps containing them. It will be forwarded to the Deputy Collector who will examine his maps and see if any of the lands contained in those estates have re-formed in their original sites as shown in the previous survey maps. On meeting with any such case of re-formation, the Deputy Collector will report the fact to the Collector who will take such steps as may be necessary.

SETTLEMENTS.

Assessment to be imposed on excess area according to rules in force.

XIII.—When the new map shows that land has been added to the area of a village since the previous survey, or (in the case of an estate formerly the property of Government which has been sold on a permanent settlement to a private individual, after the previous survey under Act IX of 1847 took place since the date of such sale), the Deputy Collector shall at once assess the same according to the rules in force for assessing alluvial increments, and shall report his proceedings to the Collector for report to the Board, as required by section 6, Act IX of 1847. Provided, however, that the Deputy Collector shall assess no accreted land which appears to him to occupy the site of the land which formed part of the estate at the time of the settlement (even though such accreted land may not have been in existence at the time of the previous survey, and may have re-formed since that survey was made) unless the proprietor shall have abandoned his proprietary right to land forming on that site by accepting a deduction from the amount of revenue originally assessed on the estate, on account of the decrease of its area by diluvion. Provided also that the Deputy Collector shall assess no land which has been added to a village of an estate which is held under a temporary settlement of which the term has not expired.

Government order No. 2947, dated 29th November 1878, to Board of revenue.

Excess area to be left unassessed to be immediately reported.

XIV.—The Deputy Collector shall immediately report to the Collector every case in which he considers that lands which have been added to an estate since the previous survey should be left unassessed in accordance with the first proviso of the preceding rule, and shall submit with his report such maps and papers as shall be necessary to enable the Collector to form an opinion on the case. The Collector shall submit a similar report with his own opinion to the Commissioner who shall pass such orders as he may think proper.

Inconsiderable accretions need not be assessed.

XV.—No proceedings for assessment need be taken when the area which has been added to an estate does not exceed 10 acres, unless such area be more than one-twentieth of the area shown by the previous maps. Thus in an estate of which the area is 100 acres by the former survey an accretion of six acres would be settled, while in an estate of 300 acres an area of 10 acres would not be noticed.

Accretions on site of one estate held as part of another to be assessed.

Government order No. 2947, dated 27th November 1878, to Board of Revenue.

XVI.—Whenever lands which have accreted on the site of one estate are found to be held in possession as part of another estate, the Deputy Collector shall proceed to assess such lands and to settle them with the party in possession.

Procedure on ascertainment of excess of area lost to an estate.

Government order No. 2065, dated 9th July 1868, to Board of Revenue.

Government order No. 1733, dated 24th August 1886, to Board of Revenue.

Government order No. 2947, dated 29th November 1878, to Board of Revenue.

XVII.—When the new map shews that land has been washed away from or lost to any village, he shall cause a notice to be served on the proprietor of the estate intimating that he is entitled under the law to claim a deduction from the sudder jama of his estate if he desires it, and explaining that if no deduction be now made on account of the area lost on the occasion of the next survey being made the area of the estate as then found to exist will be compared not with the area as found by the present survey, but with the area as shown by the survey which last preceded the present survey. The notice should also intimate that no claim to deduction from the sudder jama will be admitted unless it is made within three months of the date of the notice.

XVIII.—No reduction shall be made from the sudder jama unless the zemindar desire it; but on receiving an application for reduction, the Deputy Collector will make the calculation as provided in section 5, Act IX of 1847, and report the case to the Collector, who will proceed to give effect to the deduction under that section. It must be borne in mind that no reduction from the sudder jama can be claimed under Act IX of 1847 on account of land which diluviated before the date of the first survey under that Act.

Optional with zemindar to accept reduction from sudder jama.

XIX.—It is most important that the survey and settlement work shall go on simultaneously; but in case the settlement cannot be completed in the same season as the survey, any changes taking place between the survey and the settlement map will be shown on the former as well as in the latter.

Changes occurring between survey and settlement.

XX.—As soon as possible after the close of each field season the Deputy Collector will submit a full report of his proceedings, giving information as to the results ascertained as to areas gained and lost, the amount of additional assessment imposed, and reduction of sudder jama allowed and all other points of interest. The report, with the Commissioner's review of it, will be submitted to the Board.

Results to be reported at the end of each field season.

APPENDIX C.

FORMS.

No. 1.

[See Chapter XIII, Rule 6.]

Statement showing estates in the district of to be settled during the year 18 .

Name of estate.	Number on revenue roll.	Revenue at last settlement.	Date on which present settlement expires.	Approximate areas in acres.		Laws under which it is proposed to carry on the settlement.	Particulars to be recorded at survey under section 102, if the settlement is under Chapter X of the Tenancy Act.
				Cultivated.	Not cultivated.		

No. 2.

[See Chapter XIII, Rule 8.]

Estimate of establishments required for settlement work to be performed during the year 188 -8 in the division of

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Part I.—*Estates of which the settlement has been, or is, expected to be taken in hand before 1st April next.*

Note.—Every estate estimated to consist of 1,000 acres or more must be shown separately; all smaller estates may be shown together, the number of them only, and not the names being given in column 1.

1. Estates.
2. Area in acres; (*a*) cultivated, (*b*) uncultivated.
3. Area already measured; (*a*) cultivated, (*b*) uncultivated.

APPENDIX C.

FORM No. 1.

Statement showing estates in the district of *to be settled during the year* 189

Name and tausi number of estate.	Date on which present settlement expires with duration of the current term.	Law under which the next settlement is proposed to be undertaken.	Estimated area in acres.	Revenue at last settlement.	Estimated increase of rental.	Estimated total cost of settlement.	Area proposed to be measured in next year, showing distribution of the remainder, if any, over future years.	Cost proposed to be incurred next year, showing distribution of the remainder, if any, over future years.	Proposed scale of special establishment, including contingencies.	Period for which special establishment in column 10 is required (months).	Remarks.		Board's orders.
											By Collector.	By Commissioner.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14

(1) Statement to reach the Board's office on or before the 15th August each year. In column 4 the area should be given without distinguishing "cultivated" and uncultivated.

(2) No new settlement likely to cost more than Rs. 5,000 should be included in this statement, unless the administrative sanction of Government has been previously obtained. In such cases the number and date of Government order should be cited.

(3) Fractions of a rupee or of an acre should be omitted, unity being added or deducted according as the fraction is more or less than half.

(4) If the area falls short of 2,000 acres and still a special establishment is proposed, it should be explained in the remarks column why the district staff should not be able to carry out the work (*vide* rule 7, Chapter XIII of the Settlement Manual, 1888).

10-1-95.

APPENDIX C.

FORM No. 3*A*.

Statement showing particulars of survey and settlement of petty Government estates in the year 189 , *as required by paragraph* 6 *of Government order No.* 3695*L.R., dated the* 21*st July* 1894, *superseding Government order No.* 2751*L.R., dated* 21*st July* 1892.

District.	Settlement in progress *in the current financial year.*	Estimate of total cost of settlements mentioned in column 2.	Expenditure up to end *of the previous year* 189 .	Expenditure of *current year* 189 (actual or revised estimate).	Amount *to be* provided *for next year* 189 for settlements in column 2.	New settlements to be undertaken *in next year* 189 .	Estimate of total cost of settlements in column 7.	Amount to be provided *in next year* 189 for settlements in column 7.	Total *column* 6+ *column* 9 *to be* provided *in next year* 189 .	Remarks.
1	2	3	4	5	6	7	8	9	10	11

Statement to reach the Board's office not later than 10th January each year.

N.B.—1. Separate figures should be given in the appropriate columns for each settlement or group of settlements mentioned in columns 2 and 7.

2. The settlements entered in column 2 should coincide with those entered in Form No. 2 (Part I) of Appendix C of the Settlement Manual, 1888, and the settlements in column 7 should ordinarily be those entered in Form No. 3 (Part II) of the same Appendix.

3. The settlements in column 7 should ordinarily have received the previous administrative sanction of Government or the Board according as the estimate in column 8 is above or below Rs. 5,000.

4. Columns 3 and 8 should show the estimated total cost of each settlement or group of settlements in columns 2 and 7 respectively.

5. Columns 6 and 9 should be totalled for each district, and the grand total entered in column 10.

10-1-95.

4. Area which it is proposed to measure in 18 -8 by regular establishment
5. Ditto by special establishment in 18 -8 , column 9.
6. Actual expenditure up to beginning of current year.
7. Estimated expenditure of current year 18 -8
8. Monthly scale of special establishment, including contingencies.
9. Proposed ditto ditto.
10. Period for which required.
11. Estimated total cost of settlement.
12. Estimated average cost per acre.
13. Estimated increase of revenue.
14. Remarks.

No. 3.

[See Chapter XIII, Rule 8.]

Part II.—*Estates of which the settlement will not be taken in hand till after 1st April next.*

Note.—Every estate estimated to consist of 1,000 acres or more must be shown separately; all smaller estates may be shown together, the number of them only, and not the names, being given in column 1.

1. Estates.
2. Approximate area in acres; (*a*) cultivated, (*b*) uncultivated.
3. Area which it is proposed to measure in 18 -8 by regular establishment; (*a*) cultivated, (*b*) uncultivated.
4. Ditto by special establishment in column 6.
5. Estimated expenditure of ensuing year.
6. Proposed establishment, including contingencies.
7. Period for which required.
8. Estimated total cost of settlement.
9. Estimated average cost per acre.
10. Estimated increase of revenue.
11. Remarks.

No. 4.

[Rule 17, Chapter IV.]

Extracts from the Hon'ble the Court of Director's letter No. 6, dated the 12th April 1837.

27. With regard to the practice which exists of forming assessments according to the value of the crops produced, and not according to the value or capabilities of the land—a subject which was noticed by us in our despatch of the 15th February 1833—this is a mode of assessment which, we find by the proceedings under review, continues to be observed in many districts in the Western Provinces— a practice which, as remarked by Lord William Bentinck must act as a check on industry and discourage cultivation.

* * * * * * *

33. You are aware that the practice existed at Bombay and Madras, as well as in Bengal, of making the assessment according to the produce, and not according to the value and capabilities of the lands, and that it was stated that the revenue could not afford to bear the change contemplated by our instructions on this subject. We trust, however, that this practice is generally discontinued at Madras and Bombay, and that the prohibitory instructions which have from time to time been received from us on this subject will be kept in view during the progress of the new settlements in the Western Provinces, and ultimately put a stop to this very objectionable mode of assessment. It is the productive power

of the land, and not its actual produce, that should be taken as the guide in making the assessment. By this mode the best description of encouragement is given to the cultivator to extend cultivation and raise crops immediately beneficial and profitable to himself; and such a system, we have on former occasions observed, and are still of opinion, would not ultimately be found detrimental to the interests of the State.

No. 5.

Register to be kept of particulars of newly-formed islands.

[See Appendix B, Rule 6.]

(1) Serial number; (2) Name of pergunnah; (3) Name of river; (4) Date of occupation of island with description of area and bearings; (5), (6), &c. Particulars of subsequent yearly enquiries; (7) Date of settlement.

No. 6.

[Chapter XII, Rule 1.]

Translation of Kabuliyat to be executed by the farmer of temporarily-settled Estate.

To

The

I , son of , resident of , pergunnah , district of do hereby execute this kabuliyat

I take the farming settlement of mehal in zillah , pergunnah , bearing towjih No. , at an annual sadar jama of Rs. for the term of years from to , on the security of , resident of , I shall collect the rents from the raiyats according to law and the terms of this engagement, and pay the Government revenue kist by kist according to the instalments noted at the foot of this engagement. I shall not sell or cut any trees on the estate, whether bearing fruits or not; and if through my negligence any damage is done to the estate, I shall be responsible for it. I shall not raise any objection to the payment of Government revenue on the score of inundation, drought, or any other providential visitation, neither will such objection be granted. *I shall not raise the rents of the raiyats for the lands settled with them beyond the amounts entered in the settlement jamabandi.* But the rents, if any, which I may be able to collect from waste lands cultivated through my own exertion will be mine until expiry of the lease. In the event of my dying during the continuance of the term of this engagement, the Government shall have power to settle the mehal with any one or with my heirs till the conclusion of the term of the original settlement, with the consent of my heirs and surety. I shall file without any objection during the currency of the lease in such public office or with such public servant as the Collector may direct the measurement chittahs of the estate with jama-wasil, talab-bakee, and other papers which the Collector may require from me. I agree also to maintain the patwari appointed by the Collector, and to pay him the salary fixed by the Collector, [or to perform the duties of a putwari of this mehal myself] in accordance with such rules as the Board of Revenue may prescribe; and be it known that without the sanction of the Collector I have not the power to transfer my rights as a farmer of the estate or sublet it to another, or make another a co-sharer with me, and if I become insolvent or allow my lease to be sold in execution of a decree or fail to maintain the putwari or to perform the duties of putwari, as the case may be, or otherwise violate the conditions of the lease, the Collector may cancel my lease and take khas possession of the mehal. To the above effect, subject to the sanction of the Board of Revenue, I execute this kabuliyat.

No. 7.

[CHAPTER XII, RULE 1.]

Form of Security Bond for Farmers.

To

I , son of , resident of pergunnah , zillah , execute this security bond. The mehal , situated in zillah , is let in farm to resident of on receipt of a kabuliyat from him for years from to , at an annual sadar jama of Rs.

I having become acquainted with the particulars set forth in the kabuliyat, voluntarily offer myself to be the surety of the farmer. I myself and on behalf of my heirs, do hereby covenant to hold myself responsible for carrying out the provisions contained in the said kabuliyat and for the payment of the Government revenue. For the fulfilment of these conditions I pledge the undermentioned property, which is exclusively in my possession and enjoyment and has not been mortgaged or assigned in any way directly or indirectly. In the event of the farmer defaulting in the payment of Government revenue and infringing any of the conditions set forth in the kabuliyat, I myself, my heirs and executors will be responsible, and the property pledged may be sold, and the proceeds thereof applied to the liquidation of arrears of the Government revenue and cesses. If the farmer happens to die within the term of the settlement, it shall be within the competence of Government to cancel the lease, and settle the mehal with any one else.

In the event of the estate being settled with the heirs of the farmer, with my consent till the expiration of the term of the original engagement, this security bond will remain in force, and I myself, my heirs and executors will be responsible for payment of the Government revenue and fulfilment of all the conditions set forth in the bond, and shall never be freed from the liability. I myself, my heirs and executors shall have no power to grant, sell, pledge, or alienate in any way, directly or indirectly, the undermentioned property till the accomplishment of all the conditions set forth in the security bond. Any such grants, sales, pledges, and alienations, if made, shall be null and void. If the proceeds of sale of the property pledged be inadequate to meet the amount due by the farmer, Government shall have power to realise it by sale of my other moveable and immoveable property, whether held in my name or benamee. If any plea of objections be raised on that account by myself, my heirs and executors, they shall be invalid. I myself, my heirs and executors will not be entitled to receive back the security bond during the currency of the farming lease, nor to act in contravention of the conditions set forth in it. To this effect I execute this security bond.

Schedule of Property.

No. 8.

Form of Kabuliyat to be used in temporary settlement of estates with owners.

I take the proprietory settlement of for years, from 1st April to , at an annual net revenue of Rupees , subject to the following conditions :—

1*st*—I shall be at liberty to sell, alienate, or transfer the whole or any share of the said estate subject to the terms of this settlement; but I shall remain liable for the revenue assessed thereon unless and until the transfer is registered under the provisions of Act VII (B.C.) of 1876.

2*nd*—I bind myself to respect the recorded rights possessed by the raiyats, under-tenants, village headmen, and others in the said estate.

3rd—I will not collect higher rents than are recorded in the settlement papers as demandable from raiyats, under-raiyats, and others, and I will pay the aforesaid amount of Government revenue kist by kist according to the kistbundee noted at the foot of this engagement.

4th—At the end of the aforesaid period of settlement, I or my legal representatives shall have the right to a renewal of the settlement on the revenue that may be then fixed. If I do not take the settlement on the revenue that may be then fixed, I shall be entitled to receive malikana at the usual rates.

5th—I shall not ask for any abatement of revenue in consequence of inundation, drought, or any other calamities of the season, nor shall such requests, if preferred, be listened to.

6th—If any waste lands in the estate be brought under cultivation through my exertions, my right to receive the rents derivable therefrom without any increase of revenue will continue during the pendency of this settlement.

7th—I shall file any measurement, collection or other zemindari papers that may be from time to time called for from me by the Collector in such public office as may be prescribed, and will observe any instructions laid down by the Board of Revenue for the maintenance and correction of the survey and settlement records without any objection, so long as this lease continues in force. I shall pay the putwari the salary of per month fixed by the Settlement Officer. If I do not do so, the provisions of the law bearing on the matter will be resorted to to enforce compliance with the aforesaid requisition, and the Collector may take khas management of the estate.

8th—This settlement has been made with me in anticipation of, and subject to, the sanction of the superior revenue authorities, whose orders, if any, will be carried out by me with effect from the commencement of this lease. The settlement will not be valid unless it is sanctioned by such authorities, or if it is set aside by them.

9th—Neither I, nor my heirs or representatives, shall be at liberty to raise any objection to the re-measurement of the estate and re-assessment of the revenue of the same after this settlement has expired—(vide *Circular Order No. 3 of April 1877.*)

Schedule of Kists.

No. 9.

I.—Form of Kabuliyat of a Cultivator having a right of possession at a fixed rent or rate of rent.

This is the Kabuliyat executed by ,
a ryot of mouzah ,
in mehal ,
in pergunnah ,
zillah ,
holding a permanent right at fixed rent under the following conditions :—

In accordance with*

* [Here enter whether the rent payable on the holding has been determined in the course of settlement proceedings, by a decision of court, by mutual agreement, or otherwise.]

my holding consists of bighas (equal to acres) of land of the several descriptions enumerated below. The boundaries of each plot of land comprised in my holding are given on the back of this kabuliyat. The jama of the aforesaid holding has been ascertained to be, and is confirmed at, Rs.

I bind myself to pay this jama year by year to the person entitled to receive the rents of the mehal, according to the instalments specified at foot, and in return I will obtain a receipt for every sum paid as rent to such person as aforesaid.

I possess a right of permanent occupation in the lands now held by me at the rent specified in this kabuliyat. No one has power to evict me from such lands at will, or to enhance my rent on account of such lands, so long as I duly pay my rent. [I am entitled to take and enjoy the fruits of existing trees, or of such trees, as may be planted by me in future, within the area of my present holding. I have also a right to cut or sell every tree planted and reared by myself, or by my ancestors, on my present holding.] The rights declared by my pottah to vest in me will devolve on my heirs at my death.

The passage within brackets to be included or excluded according to custom.

Schedule.

Description of land—
Area in bighas—
Rate per bigha—
Rent—
Instalments in which rent is payable—
Total area—
Total rent—

Detail of Plots of Land comprised in the holding to which this Kabuliyat relates.

Boundary—1. Number of plot according to settlement chitta.
2. North—
3. West—
4. South—
5. East—
6. Kind of land—
7. Rate per bigha—
8. Rent of plot—

No. 10.

II.—Form of Kabuliyat of a Cultivator having a right of occupancy.

This is the Kabuliyat executed by ,
a raiyat having a right of occupancy in mouzah ,
in mehal ,
in pergunnah ,
zillah ,
under the following conditions :—

In accordance with*

my holding consists of bighas (equal to acres) of land of the several descriptions enumerated below. The boundaries of each plot of land comprised in my holding are given on the back of this kabuliyat. The jama of the aforesaid holding has been fixed at Rs.

* [Here enter whether the rent payable on the holding has been determined in the course of settlement proceedings, by decision of a court, by mutual agreement, or otherwise.]

I bind myself to pay this jama year by year until it is altered in accordance with the law, according to the instalments specified at foot, to the person entitled to receive the rents of the mehal, and in return I will obtain a receipt for every sum paid as rent to such person as aforesaid.

I possess a right of occupancy in the lands now held by me. Neither the Government nor the person with whom a settlement of the mehal may have been made has power to evict me from such lands at will.. My rent may be enhanced in accordance with the provisions of the law relating to such enhancement, but not otherwise. [I am entitled to take and enjoy the fruits of existing trees, or of such trees as may be planted by me in future, within the area of my present holding.] The rights declared by my pottah to vest in me will devolve on my heirs at my death.

The passage within brackets to be included or excluded according to custom.

Schedule and detail of Plots of Land comprised in the holding to which this Kabuliyat relates (the same as at foot of Form No. 9).

No. 11.

III.—Form of Kabuliyat of a Cultivator not known to possess a right of occupancy.

This is the kabuliyat executed by ,
a raiyat of ,
mouzah ,
in mehal ,
in pergunnah ,
zillah ,
under the following conditions :—

In accordance with*

* [Here enter whether the rent payable on the holding has been determined in the course of settlement proceedings, by decision of a Court, by mutual agreement, or otherwise.]

my holding consists of
bighas (equal to acres)
of land of the several descriptions enumerated below. The boundaries of each plot of land comprised in my holding are given on the back of this kabuliyat. The jama of the aforesaid holding has been fixed for the present at Rs.

I bind myself to pay this jama year by year according to the instalments specified at foot, till it is altered in accordance with the law.

Schedule and detail of Plots of Land comprised in the holding to which this Kabuliyat relates (the same as at foot of form No. 9).

No. 12.

Form of Kabuliyat to be executed by Malgoozars in Government Estates.

I , resident (raiyat, under-tenant, or village-headman, as the case may be) of Government estate , in the district of , execute this engagement. I take the malgoozari settlement of the said Government estate, measuring bighas , equal to acres , for the term of years from the year to the year at a net annual jama of Rs.

2. The rights conveyed to me under this engagement are those of malgoozar, as hereinafter defined ; and I bind myself to respect the recorded rights possessed by the tenure-holders, raiyats, under-raiyats, village-headman, as the case may be, in the said estate.

3. I will collect the rents from the raiyats, under-tenants, as the case may be, and pay the Government revenue, kist by kist, according to the instalments noted at the foot of this engagement; and I will raise no objection on the score of drought and inundation or any other providential visitation; nor will such objection be allowed. But the rents, if any, which I may be able to collect from waste lands in the estate, will be mine until the expiry of this lease.

APPENDIX C.

FORM No. 13.

Settlement Officer's Monthly Return of Khanapuri Work.

Name of Revenue Officer employed.	Name of Circle.	Number of villages in the circle.	Area of the circle in square miles.	NUMBER OF VILLAGES OF WHICH KHANAPURI WORK WAS COMPLETED.		Area of villages in which khanapuri has been completed to end of the month.	Number of villages of which khanapuri is going on but is incomplete.	Number of villages inspected by Revenue Officer during the month.	Number of amins inspected by Revenue Officer during the month.	Number of plots of which the khasra entries were tested during the month.	REMARKS.
				Up to end of the previous month.	During the month.						
1	2	3	4	5	6	7	8	9	10	11	12

N.B.—In this and all other monthly returns the figures given under the headings "up to end of previous month" or "of month under report" should be those from 1st October of the current year, not those from the beginning of settlement operations.

For the Annual Report (for 1st October—30th September) the figures given should be those for the previous year and for the year under report.

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4. I will file, without objection, during the currency of my lease, any papers which the Collector may require from me in such public office as he may direct, and will pay the patwari the salary of Rs. per month fixed by the Settlement Officer. If I do not, my right and interest will entirely cease, and the Collector will be at liberty to make any fresh arrangement with others that may appear to him advisable.

5. I will not be able to transfer by private or public sale or mortgage the settlement rights conveyed to me under this lease, nor will I be able to sub-let the estate.

6 I will not sell or cut any trees on the estate, whether bearing fruit or not; and if, through my fault, any damage is done to the estate, I will hold myself responsible for it.

7. On the expiry of the term of the settlement I shall have, as of right, the option of accepting the new settlement, subject to such revised jama as may then be imposed; but failing this acceptance, my right and interest as lessee will entirely cease, and the Collector will be at liberty to make with others any fresh arrangement that may appear advisable.

8. The Collector will have power to annul my lease and to re-enter on direct possession of the estate at once in the event of the rights conveyed to me under this engagement being transferred by sale in execution of decree or other order of the Civil Court.

9. In the event of my dying during the continuance of the term of this engagement, the lease shall not lapse, but shall devolve upon my heir for the remaining period of the original engagement.

Schedule of kists.

13.

Statement of progress in Demarcation Work to end of 189 .

See Chapter XIII, Rule 9.

Local area under survey and settlement.		Total number of villages in local area.	Demarcated.			Dispute regarding village boundaries.				Brief explanation of nature of disputes and how they have been settled.
Name.	Approximate area in square miles and acres.		To date of last report.	During period under report.	Remaining to be demarcated.	Number.	Settled up to date of last report.	Settled during period under report.	Pending.	
1	2	3	4	5	6	7	8	9	10	11

14.

Progress Report of Cadastral and Traverse Work and cost of Survey and Settlement for the month of 189 .

See Chapter XIII, Rule 9.

Total estimated area (in miles and acres) of the estate or local area under survey.	Total number of villages under survey and settlement, included in the area in column 1.	Area. Surveyed up to date of last report (in miles and acres). Traverse.	Surveyed up to date of last report (in miles and acres). Cadastral.	Surveyed during period under report (in miles and acres). Traverse.	Surveyed during period under report (in miles and acres). Cadastral.	Total area surveyed (in miles and acres). Traverse.	Total area surveyed (in miles and acres). Cadastral.	Area which should have been surveyed to date according to programme (in miles and acres). Traverse.	Area which should have been surveyed to date according to programme (in miles and acres). Cadastral.	Remarks explanatory of failure to survey up to estimated area.
1	2	3	4	5	6	7	8	9	10	11

Cost.

Total amount of sanctioned estimate. Survey.	Total amount of sanctioned estimate. Settlement.	Approximate cost of survey and settlement operations from commencement of work to end of month under report. Survey. Traverse.	Approximate cost of survey and settlement operations from commencement of work to end of month under report. Survey. Cadastral.	Approximate cost of survey and settlement operations from commencement of work to end of month under report. Settlement.	Approximate cost of survey and settlement operations from commencement of work to end of month under report. Total.	Approximate cost of survey and settlement operations during month under report. Traverse.	Approximate cost of survey and settlement operations during month under report. Cadastral.	Approximate cost of survey and settlement operations during month under report. Settlement.	Approximate cost of survey and settlement operations during month under report. Total.	Total expenditure which should have been incurred to the end of month under report according to sanctioned estimate and programme. Traverse.	Total expenditure which should have been incurred to the end of month under report according to sanctioned estimate and programme. Cadastral.	Total expenditure which should have been incurred to the end of month under report according to sanctioned estimate and programme. Settlement.	Total expenditure which should have been incurred to the end of month under report according to sanctioned estimate and programme. Total.
12	13	14	15	16	17	18	19	20	21	22	23	24	25

Cost *concld.* Remarks explanatory of expenditure over estimate for area completed. Survey.	Cost *concld.* Remarks explanatory of expenditure over estimate for area completed. Settlement.	Area remaining to be surveyed.	Area remaining to be settled.	Details of establishment (supervising, field and office). Survey.	Details of establishment (supervising, field and office). Settlement.	Remarks.
26	27	28	29	30	31	32

APPENDIX C.

FORM No. 14.

Settlement Officer's Monthly Return of boundary disputes dealt with under the Bengal Survey Act.

Name of Revenue Officer.	Number instituted up to the end of the previous month.	Number instituted during the month.	Total.	Number disposed of to end of the previous month.	Number disposed of during the month.	Total.	Number remaining at the end of the month.	NUMBER OF APPEALS UP TO END OF THE MONTH UNDER REPORT.					REMARKS.
								Instituted.	Decided.	Number of cases in which the decision of the Revenue Officer has been—			
										Upheld.	Modified.	Reversed.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14

NOTE.—For the Annual Report the figures given should be those for the previous year and for the year under report.

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APPENDIX C.

FORM No. 15.

Settlement Officer's Monthly Return of attestation work, including final publication of records.

Name of Revenue Officer.	Name of Circle.	Number of villages in the circle.	Area of the circle in square miles.	Number of villages for which records have been received from the Survey Department.	ATTESTATION WORK DONE UP TO THE END OF THE PREVIOUS MONTH.				ATTESTATION WORK DONE DURING THE MONTH.				NUMBER OF VILLAGES OF WHICH RECORDS HAVE BEEN DRAFT-PUBLISHED.		NUMBER OF VILLAGES OF WHICH RECORDS HAVE BEEN FINALLY PUBLISHED.		REMARKS. (Here note adequacy of work done or cause of failure to work up to programme.)
					Number of villages.	Number of square miles.	Number of tenants.	Number of plots.	Number of villages.	Number of square miles.	Number of tenants.	Number of plots.	Up to the end of the previous month.	During the month.	Up to the end of the previous month.	During the month.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18

N.B.—" Up to the end of the previous month " means from 1st October of the current year.

NOTE.—For the annual report, for the heading " up to end of the previous month," substitute " during the previous year," and for the heading " during the month," substitute " during the year under report."

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" during the previous year." 2-9-94.

" during the year under report." 2-9-94.

APPENDIX C.

FORM No. 15 (1).

Settlement Officer's Monthly Return of cases under Section 104 of the Tenancy Act for Settlement of Fair Rents.

Name of Revenue Officer.	Name of Circle.	Area of circle in square miles.	Number of villages in which cases have been instituted.			Number of villages in which cases have been disposed of.			Number of tenants for whom fair rents have been settled.			Former rental of tenants included in column 12.	New rental settled for tenants in column 12.	Number of decisions appealed against to Special Judge.			Number of appeals decided.			Number of decisions of Revenue Officer as in column 20—			Remarks. (State here the grounds on which fair rent decisions are appealed against or impugned in appeal and summarise orders of courts of appeal.)
			To end of previous month.	During the month.	Total.	To end of previous month.	During the month.	Total.	To end of previous month.	During the month.	Total.			To end of previous month.	During the month.	Total.	To end of previous month.	During the month.	Total.	Upheld.	Modified.	Reversed.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24

NOTE.—In the Annual Report the figures given should be for the previous year and for the year under report.

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APPENDIX C.

FORM No. 15 (2).

Settlement Officer's Monthly Return of Objections under Section 105 and Disputes under Section 106 of the Bengal Tenancy Act.

Name of Revenue Officer.	NATURE OF CASE.	Number instituted up to the end of the previous month.	Number instituted during the month.	Total.	Number disposed of to end of the previous month.	Number disposed of during the month.	Total.	Number remaining at the end of the month.	NUMBER OF APPEALS UP TO THE END OF THE MONTH UNDER REPORT.					REMARKS. (State grounds on which decisions have been appealed against and summarise orders of courts of appeal.)
									Instituted.	Decided.	Number of cases in which the decision of the Revenue Officer has been—			
											Upheld.	Modified.	Reversed.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	(1) Objections heard and considered under section 105 of the Tenancy Act. (2) Disputes tried as civil suits under section 106 of the Tenancy Act.													

NOTE.—For the Annual Report the figures given should be those for the previous year and for the year under report. The heads in column 2 are to be repeated against each name in column 1.

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APPENDIX C.

FORM No. 15 (3).

Settlement Officer's Monthly Financial Statement.

Main sub-heads of Budget.	Budget allotment (against each sub-head).	Expenditure to end of the previous month (against each sub-head).	Expenditure during the month (against each sub-head).	Balance remaining (against each sub-head).	REMARKS.*
1	2	3	4	5	6
(1) Settlement Officer—					
a. Salary and allowances					
b. Establishment					
c. Contingencies					
Employed on Khanapuri.					
(2) Assistant Settlement Officers—					
a. Salaries and allowances					
b. Establishment					
c. Contingencies					
Employed on attestation.					
(3) Assistant Settlement Officers—					
a. Salaries and allowances					
b. Establishment					
c. Contingencies					
Employed on assessment.					
(4) Assistant Settlement Officers—					
a. Salaries and allowances					
b. Establishment					
c. Contingencies					
Employed on other stages of work (to be detailed in the statement).					
(5) Assistant Settlement Officers—					
a. Salaries and allowances					
b. Establishment					
c. Contingencies					

* *Column* 6.—In this column enter any request for larger allotment or redistribution of allotment under main heads, or offer to surrender a portion not likely to be required.

N.B.—For the Annual Report, the figures given should be those for the previous year and for the year under report.

2-9-94.

APPENDIX C.

FORM No. 15 (4).

Statement to be used in Monthly and Annual Reports showing the status and rent of tenants as recorded in the khatians from commencement of settlement to close of year under report.

CLASS OF CULTIVATOR.	PARTICULARS OF CULTIVATED LANDS.					REMARKS.
	Number of holdings.	Aggregate cultivated area held by each class.	Average area of cultivated lands per holding.	Rent.	Average rent per cultivated acre.	
1	2	3	4	5	6	7
1. Proprietor's *sir* (*nij jote*)						
2. Held by proprietors, but not true *sir* ...						
3. In cultivating possession of tenure-holders						
4. Raiyats at fixed rates or fixed rents ...						
5. Settled raiyats						
6. Occupancy raiyats						
7. Non-occupancy raiyats						
8. Rent-free holders						
Total ...						

NOTE.—The first three columns of this statement should be filled up and submitted monthly, and the statement should be completely filled up and submitted with the Annual Report.

2-9-94.

FORM 15A.

(See Chapter XIII, Rule 2.)

Applications by proprietors for survey and record of rights under Section 103 of the Tenancy Act granted by the Commissioner during the quarter ending the

District.	Name of estate or tenure.	Number of villages.	Estimated area in acres.	Number of tenants.	Total rental.	Grounds of application.	Steps taken or proposed for carrying out the work.
1	2	3	4	5	6	7	8

10-1-95.

5-9-93.

Statement showing progress made in proceedings under Chapter X of Records during the quarter

I.	II.						III.			IV.					
	GENERAL INFORMATION.						AREA SURVEYED IN ACRES			AREA AND VILLAGES OF WHICH KHANAPURI HAS BEEN COMPLETED					
										Up to end of the preceding quarter.		During the quarter under report.		Total.	
District.	Name and designation of Revenue officer employed and when employed.	Name and tauzi number of estate.	Number and date of notification for survey-settlement and the section of the Act under which it was issued.	Estimated area in acres.	Total number of villages.	Total number of tenants in villages in column 6.	Up to end of the preceding quarter.	During the quarter under report.	Total.	Acres.	Villages.	Acres.	Villages.	Acres.	Villages.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

FOOT-NOTE.—Column 3. Government and Private

DIX C.

No. 15B.

Rule 9.]

the Tenancy Act not under the control of the Director of Land ending the

V.			VI.													
Inspection work, Khanapuri.			Attestation work.													
Inspected by the Revenue Officer during the quarter under report.			Number of villages of which the records have been prepared for attestation		Number of villages, &c., of which the records have been attested						Number of villages of which the records have been draft-published under section 105(1) of the Act		Number of villages of which the records have been finally published under section 105(2) of the Act		Number of tenants whose rent has been recorded and status determined in khatian finally published under section 105(2) of the Tenancy Act		
					Up to end of previous quarter.			During this quarter.									
Villages.	Amins.	Number of plots of which khasra entries were tested.	Up to end of the preceding quarter.	During this quarter.	Villages.	Tenants.	Plots.	Villages.	Tenants.	Plots.	Up to end of previous quarter.	During this quarter.	Up to end of previous quarter.	During this quarter.	Up to end of the preceding quarter.	During this quarter.	Total.
17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34

estates should be separately shown.

Statement showing progress made in proceedings under Chapter X of

VII.

CASE-WORK.

Nature of cases.	Instituted			Disposed of			Pending.	Appeals in which the decision of the Revenue officer has been—		
	Up to end of previous quarter.	During the quarter under report.	Total.	Up to end of previous quarter.	During this quarter.	Total.		Upheld.	Modified.	Reversed.
35	36	37	38	39	40	41	42	43	44	45
Original cases.										
1. Boundary disputes dealt with under the Bengal Survey Act, V of 1875.										
2. Cases under section 104 of the Bengal Tenancy Act, VIII of 1885, for settlement of fair rents.										
3. Objections under section 105 of Tenancy Act.										
4. Disputes under section 106 of Tenancy Act.										
Appeals.										
5. Appeals to the Special Judge ...										
6. Appeals to the Collector and Commissioner under the Bengal Survey Act.										

FOOT-NOTE.—Column 35. The heads are to be repeated against each estate in column 3.
" 49. The cost for the group of estates placed under each Revenue
In column of remarks explain adequacy of work done or cause of failure
modified or impugned in appeal and summarise orders of courts of appeal,

N.B.—The return will be accompanied by a statement in Form No. 15 (4), Appendix C Manual.

the Tenancy Act during the quarter ending the —concld.

VIII.				IX.
EXPENDITURE.				
Estimated total cost.	Allotment for the current year.	Incurred up to end of previous quarter.	Incurred during the quarter under report.	REMARKS. (State here principles on which fair rents have been settled, grounds on which the Settlement Officer's decisions have been appealed against, and summarise orders of courts of appeal.)
46	47	48	49	50

officer should be totalled.
to work up to the programme or standard, and also grounds on which fair rent decisions are
and enter explanation of expenditure in excess of the estimates (if any).
of the Settlement Manual, 1888, referred to in Rule 9 (revised), Chapter XIII of the

FORM

CHAPTER

Statement showing progress made in proceedings under Chapter

Division.	District.	Name of estate.	Estimated area in acres.	Total number of villages.	Area surveyed in acres—			Number of villages in which records have been prepared for attestation—		Number of villages of which attestation has been completed—		Number of villages in which the draft record of rights has been published under section 105 (1) of the Tenancy Act—		Number of villages in which record of rights has been finally published—		Total number of raiyats in villages in column 5.
					Up to the end of the preceding quarter.	During the quarter under report.	Total area surveyed.	Up to the end of the preceding quarter.	During the quarter under report.	Up to the end of the preceding quarter.	During the quarter under report.	Up to the end of the preceding quarter.	During the quarter under report.	Up to the end of the preceding quarter.	During the quarter under report.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

4

15B.

XIII, RULE 9.

X of the Tenancy Act during the quarter ending the

NUMBER OF TENANTS WHOSE RENT HAS BEEN RECORDED AND STATUS DETERMINED IN KHATIAN FINALLY PUBLISHED UNDER SECTION 105(2) OF THE TENANCY ACT—			COST—						OBJECTIONS UNDER SECTION 105—				DISPUTES UNDER SECTION 106—				APPEALS TO SPECIAL JUDGE—				REMARKS.
			Up to end of preceding quarter.		During the quarter under report.		Total.		Instituted.		Disposed of.		Instituted.		Disposed of.			Disposed of.			
Up to the end of the preceding quarter.	During the quarter under report.	Total.	Survey.	Settlement.	Survey.	Settlement.	Survey.	Settlement.	Up to the end of the preceding quarter.	During the quarter under report.	Up to the end of the preceding quarter.	During the quarter under report.	Up to the end of the preceding quarter.	During the quarter under report.	Up to the end of the preceding quarter.	During the quarter under report.	Instituted.	Settlement Officer's decision upheld.	Settlement Officer's decision modified.	Settlement Officer's decision reversed.	Pending.	
18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40

5-9-93.

FORM No. 15C.

(CHAPTER XIII, RULE 9.)

Statement showing progress made in recovering cost of Survey and Settlement under Section 114 *of the Tenancy Act during the quarter ending the*

DIVISION.	District.	Name of estate.	Total amount due from each class interested.	REALIZATIONS FROM EACH CLASS INTERESTED.				Steps taken for the realization of the balance.	REMARKS.
				Up to end of preceding quarter.	During period under report.	Total (columns 5 and 6).	Balance (column 4 minus column 7).		
1	2	3	4	5	6	7	8	9	10
			Proprietors ... ... Tenure-holders ... ... Raiyats						

E. J. H.—Reg. No. 3439J—56—6-10.93.

5-9-93.

15.

Statement showing progress made in Record of Rights and Settlement of Rents to end of month of 189

See Chapter XIII, Rule 9.

Number and approximate area of villages of which records received from Survey Department up to date, or of which records are ready for settlement, if survey made by Settlement Officer.			Total approximate number of tenants on estate or local area under settlement.	Number of tenants in the villages included in column 3.	Number of raiyats whose Khatian entries have been settled.			Estimated number of tenants whose rents should have been recorded, status determined, and fair rents settled according to programme			Remarks explanatory of method of fixation of rents, of increase and decrease of rentals, and of short outturn of work.
					Before.	Now.	Total.	Status determined.	Rents recorded.	Fair rents settled.	
1	2	3	4	5	6	7	8	9	10	11	12
	No.	Area.									
By Settlement Officer.											
„ Assistant Settlement Officer.											
„ Assistant Settlement Officer.											
Total ...											

Cancelled
Bd. C.O. No.
of Septr. 1894.

Objections under Section 105.				Disputes under Section 106.				Appeals to Special Judge.					Brief explanation of nature of objections and disputes, and of how they have been settled; nature of appeals to the Special Judge and how disposed of.
Instituted.		Heard, considered, and disposed of.		Instituted.		Decided.			Heard.				
Up to date of last report.	During period under report.	Up to date of last report.	During period under report.	Up to date of last report.	During period under report.	Up to date of last report.	During period under report.	Instituted.	Settlement Officer's decision upheld.	Settlement Officer's decision modified.	Settlement Officer's decision reversed.	Pending.	
13	14	15	16	17	18	19	20	21	22	23	24	25	26

16.

Khewat (Part I) of Revenue-paying lands, containing the names of the Proprietors, and the extent and character of their interests—See Rule 12, Chapter VI, Tenancy Act Rules, Board's Instructions.

1	2		3	4		5	6						7	8	9	10
Number.	Name of estate or share of .		Number in revenue roll.	NAMES AND ADDRESSES OF THE PROPRIETORS, MANAGERS, AND MORTGAGEES OF THE ESTATE, WITH THE CHARACTER AND EXTENT OF EACH PROPRIETOR'S, MANAGER'S OR MORTGAGEE'S INTEREST.		Number in Mouzahwar register of the Collectorate.	AREA ACCORDING TO PRESENT MEASUREMENT.						Government revenue of the estate.	Rasyati jama according to the present settlement.	Reference to entries made in the intermediate register of the Collectorate.	Remarks.
							In acres.			In bighas of square yards.						
	Estate.	Share of estate.		Name, parentage, and residence.	Character and extent of interest.		Cultivated.	Not cultivated.	Total.	Cultivated.	Not cultivated.	Total.				

Khewat (Part I) of revenue-paying lands, containing the names of the proprietors, and the extent and character of the interests. See Rule 12, *Chapter VI, Tenancy Act Rules, Board's instructions. See also pages* 12 *to* 14 *of the Survey Manual,* 1892, *for instructions as to the filling up of this and the following forms of khewat.*

1	2		3	4		5	6						7	8
Number of each separate proprietor or group of proprietors.	NAME OF ESTATE OR SHARE OF—		Number in revenue-roll and separate account number, if any.	NAMES AND ADDRESSES OF THE PROPRIETORS, MANAGERS, AND MORTGAGEES OF THE ESTATE, WITH THE CHARACTER AND EXTENT OF EACH PROPRIETOR'S, MANAGER'S OR MORTGAGEE'S INTEREST.		Name and number in the Manzawar register of the Collectorate.	AREA CONTAINED IN THE VILLAGE BELONGING TO EACH ESTATE TO BE SHOWN SEPARATELY.						Government revenue of the estate.	REMARKS.
							In acres.			In bighas, drones or kanis or mâns each...containing..... square yards.				
	Name of estate.	Name of share of estate, if any.		Name, parentage and residence.	Character and extent of interest.		Cultivated.	Not cultivated.	Total.	Cultivated.	Not cultivated.	Total.		

[For the Settlement Manual.]

8-11-93.

17.

Khewat (Part II) of Revenue-free lands, showing lands held exempt from Government revenue in perpetuity (Rent-free land should not be entered in this).

1	2	3					4		5	6					7	8	9	10
Serial number.	Description and character of revenue-free property, whether jagir, altamgah, &c.	Particulars of original grant.					Name, parentage, and residence of the proprietor, manager or mortgagee of the revenue-free land, with the character and extent of the interest of each proprietor, manager or mortgagee.		Number in mouzahwar register of the Collectorate.	Area according to present measurement.					Rent payable by raiyats, if any, for the revenue-free land.	Reference to entries in earlier registers relating to the property or any part thereof.	Reference to entries made in the intermediate register of the Collector.	Remarks.
		Date of grant.	Area of land granted.	Name of grantor.	Name of original grantee.	Reference to any decree or order of competent authority declaring or recognising the grant to be valid.	Name, parentage, and residence.	Character and extent of the interest.		In acres.			In bighas of 4,225 square yards.					
										Cultivated.	Not cultivated.	Total.	Cultivated.	Not cultivated.	Total.				

18

Khewat (Part III) of Revenue-free lands, showing lands occupied for public purposes.

1	2	3	4	5	6	7	8
Number.	Area of the land comprised in each entry.	Name of the department of Government or of public body by which the land is occupied.	The purpose for which the land is occupied.	Date and particulars of appropriation.	Number in mouzahwar register.	Reference to entries made in the intermediate register.	Remarks.

19

Specimen Form of Record of Interest of Thikadar, Ijaradar or other Proprietary Tenure-holder—See Rule 18, *Chapter VI, Tenancy Act Rules, Board's Instructions.*

Number.	Name of estate.	Name of tenure-holder.	Serial number of estate in proprietor's khewat, and names of landlords.	Rent payable by tenure-holder.	Mode in which rent was fixed.	Period for which the rent has been fixed from to	Conditions and incidents of the tenure.	Government revenue of land included in the tenure, if known.	Raiyati jumas according to present settlement.	Remarks.

Form of Record of Interest of Thikadar, Ijaradar, or other proprietary tenure-holder. See Rule 18, *Chapter VI, Tenancy Act Rules, Board's instructions.*

1	2	3	4	5	6	7	8	9	10
Number.	Name of tenure-holder.	Name of estate and number in column 1 of the proprietary khewat.	Name or names of tenure-holder's landlord or landlords.	Extent of tenure-holder's interest and area held by tenure-holder.	Rent payable by tenure-holder.	Mode in which rent was fixed.	Period for which the rent has been fixed from—to—.	Nature, conditions and incidents of the tenure.	REMARKS.

N.B.—Column 9.—In the case of a tenure which has been created by a registered deed, merely the registration number, date of the deed, and the name of the office in which registered need be recorded in this column.

8-11-93.

Statistical Statement (Part I, of , Pergunnah , District , Season 188 -8 .

Serial number.	Survey number.	Names of villages and estates.	Area by summation of fields.	CLASSIFICATION OF CULTIVATED AREA.									
				1	2	3	4	5					6
				BY SOIL.				BY IRRIGATION.					
				Total cultivated area in acres.	Upland.	Lowland.	Other kinds.	Total irrigated area.	From wells.	From canals.	Rivers.	Ahars or tanks.	Non-irrigated.

7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27
OF CULTURABLE AREA.							OF NOT CULTURABLE AREA.										AGRICULTURAL STATISTICS.		CENSUS STATISTICS.	
																	Wells.		House.	
New fallow.	Old fallow.	Groves.	Grass.	Bush.	Other kinds (if any).	Total culturable area.	Village site.	Sites of temples and burial ground.	Unculturable waste.	Tanks.	Rivers.	Unculturable jhills or churs.	Government roads.	Other roads.	Other kinds of unculturable lands.	Total of culturable area.	Masonry.	Earthen.	Pucka.	Kutcha.
Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.				

20 (a).

Statistical Statement (Part II) of , Pergunnah, , District , Season 188 -8 .

CLASSIFICATION OF TOTAL AREA BY FISCAL ARRANGEMENT.

REVENUE-PAYING.										REVENUE-FREE.									
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Rent-paying.			Not rent-paying.							Held by proprietors.									
			Cultivated.			Not cultivated.				Rent-paying.			Not rent-paying.						
Cultivated.	Not cultivated.	Total rent-paying.	Held by proprietors as sir or otherwise.	Held by raiyats or tenure-holders rent-free.		Held by proprietors, such as dagars, bands, &c.	Held by raiyats.	Total not rent-paying.	Total revenue-paying, *i.e.*, total of 3 and 9.	Cultivated.	Not cultivated.	Total.	Cultivated.	Not cultivated.	Total.	Occupied for public purposes.	Total revenue-free, *i.e.*, total of 13, 16 and 17.	Grand total.	REMARKS.
				By gift as brahmattar, &c.	In lieu of by services as a gorait, pasban, &c.														

20 (*b*).

Statistical Statement (Part II) of , *Pergunnah* , *District* *Season* 188 -8 .

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Serial number.	Survey number.	Name of village.	STATEMENT OF HOLDINGS.													
			NATURE OF HOLDING.													
			Cultivated by proprietors.				Held by raiyats at fixed rates.		Held by settled raiyats.		Held by occupancy raiyats, but not settled raiyats.		Held by non-occupancy raiyats.		TOTAL.	GRAND TOTAL.
			Sir.		Cultivated by proprietors, but not sir.		Resident.	Non-resident.	Resident.	Non-resident.	Resident.	Non-resident.	Resident.	Non-resident.		
			No.	Acres.	No.	Acres.	No.	Acres.	No.	Acres.	No.	Acres.	No.	Acres.	No.	Acres.	No.	Acres.	No.	Acres.	No.	Acres.	No.	Acres.	No.	Acres.	No.	Acres.	No.	Acres.	No.	Acres.

20 (*c*).

STATEMENT SHOWING NUMBER OF MORTGAGEES AND UNDER-RAIYATS AND AREAS HELD BY THEM.

HELD BY MORTGAGEES.										HELD BY UNDER-RAIYATS.					
From proprietors.		From tenure and under-tenure-holders.		From settled raiyats.		From occupancy raiyats, not settled raiyats.		From non-occupancy raiyats.		From settled raiyats.		From occupancy, but not settled raiyats.		From non-occupancy raiyats.	
No.	Area.	No.	Area.	No.	Area.	No.	Area.	No.	Area.	No.	Area.	No.	Area.	No.	Area.

20 (*d*).

Statistical Statement (Part IV) of , *Pergunnah* , *District Mozufferpore* , *Season* 188 -8 .

CROP STATEMENT.

Serial tuppeh number.	Survey tuppeh.	Name of village.	BHADOI.																	AGHANI.								
				Food-crops.									Non-food crops.															
			Aus.	Mak.	Gamhri.	Marwa.	Janera.	Urid.	China.	Other food-crops.			Indigo.	Jute.					Total bhadoi	Dhan.	Kurthi.	Urid.	Janera.	Methi.	Garden food-crops.	Non-food crops.		
			Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.

CROP STATEMENT—*continued.*

AGHANI—*concld.*				RABI.																							Total cropped area.	Area under cultivation.	Dofassli.
																Other food-crops.				Non-food-crops.									
			Total aghani.	Arhar.	Khesari.	Linseed.	Mustard.	Sugarcane.	Betel-leaf (pan).	Wheat.	Oats.	Barley.	Potato.	Masuri.	Garden food crops.					Tobacco.	Castor oil seed.	Cotton.	Other non-food crops.			Total rabi.			
Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.

The headings of the crop statements must be changed to suit the local area.

20(e).

Comparative statement of rentals of Estate
Pergunnah , District

Year.	RENT ROLLS.								REMARKS EXPLANATION OF INCREASE OR DECREASE.
	Tenant's lands.		Sir.		Cultivated by proprietors, but not sir.	Sairat income.	Total.		
	Cultivated area.	Rent.	Cultivated area.	Rent.	Area.		Cultivated area.	Rent.	The patwari may be called upon to fill up this statement from his jumabandi and jama-wasil baki accounts for the entire period or for the years for which the figures are available.
1279									If figures are not available without inquisitorial proceedings, this statement need not be filled up.
1280									
1281									
1282									
1283									
1284									
1285									
1286									
1287									
1288									
1289									
1290									
1291									
1292									
1293									
According to new settlement									

(See Chapter XIII, Rule 11.)

21(*a*).

Headings of Abstract of information relative to the assessment of Estate _____ *Pergunnah* _____ *District* _____
Settlement made with _____ *for* _____ *years, commencing from* _____ *Zillah* _____ *Pergunnah* _____
Grámer jamabandi Samparkiya Sambáder Sár Sangraher (Khatianer) Sirolipi Sakal.

(1) Area reduced to standard bighas; (2) area in acres; (3) unassessed area, divided into—(*a*) forest, jungle, and waste, (*b*) site of village roads, tanks and land otherwise incapable of cultivation, (*c*) rent-free, (*d*) service, (*e*) total columns (*a*) to (*d*); (4) assessed area, divided into—(*a*) cultivated and fallow, (*b*) cultivable, not cultivated, (*c*) total; (5) land revenue; (6) mofussil rent-roll; (7) average of last five years collections.

The information required for columns 1 to 6 should, as far as possible, be given in three lines, as follows:—

(1) According to earliest information available;* (2) according to last preceding measurement or regular settlement proceedings;† (3) According to present settlement proceedings.

21(*b*).

Particulars of Service lands. (*Sirolipi Chákran jamir Bises Bibaran.*

(1) Office of holders; (2) Area; (3) Remarks. Held by—(*a*) Putwaries, (*b*) Mokuddums, (*c*) Ghatals, (*d*) &c.

Particulars of cultivated lands.

Class of cultivator.	Number of holdings.	Cultivated area.	Average area per holding.	Rent.	Average rent per acre.
1. *Proprietor's nir (nij-jote)*					
2. *Tenure-holders*					
Raiyats holding under proprietor.					
3. Raiyats at fixed rates					
4. Settled raiyats					
5. Occupancy					
6. Non-occupancy					
Total ...					
7. Rent-free holders					
Grand Total ...					
Raiyats holding under tenure-holders.					
8. Settled raiyats					
9. Non-occupancy					
Total ...					
10. *Under-raiyats*					

21(*c*).

Analysis of Revenue assessed. (*Daharjya Haod Rajswer Sárbhág*).

(1) Assets assumed as basis of settlement; (2) Deduct other expenses, if any; (3) Remainder; (4) Deduct—(*a*) in the case of Government estates settled or farmed, 20 per cent. collection expenses, (*b*) in the case of resumed estates settled with the proprietors, 30 per cent. collection expenses and proprietary allowance, (*c*) in the case of estates farmed in consequence of refusal of proprietors to accept settlement, 20 per cent. collection expenses and farming profits, and (*d*) 10 per cent. malikana allowance to recusant proprietor; (5) Remainder or net revenue of Government; (6) add malikana (7) total amount payable by settlement-holder.

* Here specify date and source of information.
† Specify date and charcter of re-settlement.

APPENDIX D.

Instructions to Settlement Officers by the Director of Land Records, with the sanction of the Board of Revenue.

HAVING found in the course of my inspection of settlement offices that doubts exist as to points of law and procedure, the following instructions are issued, with the sanction of the Board of Revenue, for the guidance of settlement officers acting under the Bengal Tenancy Act:—

1. *Power of enforcing attendance.*—It appears that the powers vested in settlement officers for enforcing attendance are not understood. They are given in rule 1 of chapter VI of the rules under the Bengal Tenancy Act. The power of summoning witnesses under the Civil Court Procedure is given not only in the trial of suits, but in the discharge of any duty imposed by the Act or the Rules, and is not confined to proceedings on which settlement officers are acting as a Revenue or Civil Court. It will probably be found that the powers given under the Civil Court Procedure for the summoning of witnesses are the best means for enforcing the attendance of witnesses. A summons may be made returnable within any period that is reasonable. For instance, if the man whose attendance is to be secured is living close at hand, he may be ordered to attend at once.

Under rule 17 of chapter VI, settlement officers are entitled to take such measures additional to those prescribed in rule 16 to cause the attendance of parties. The general notice under rule 16 is sufficient notice to all persons, and if all do not come, settlement officers are entitled—see first paragraph of rule 20—to proceed in the presence of such persons as do attend. It would be objectionable to proceed, however, in the absence of any considerable number of ryots, and it would be better, therefore, if they do not attend, to proceed under rule 17. A good effect might be produced if a rule were made to summon those who did not attend, and to cause them to pay a process fee for the service of the summons.

If a ryot does not attend in person, but the accuracy of the entries in his khatian can be sufficiently attested by his relations or neighbours, it is not necessary to cause his attendance. You must, however, satisfy yourself that the entries made in a ryot's khatian are publicly certified, so that he may be made aware of them. The signatures of parties are not necessary, but are useful as a check.

2. *Attestation mohurrirs.*—These mohurrirs will proceed to the villages, and explain the entries in columns 1-9 of the khatian to the ryots. If there are objections or admitted mistakes, they will make notes of them in a list which will be taken up and disposed of by settlement officers when they are acting under rule 20 of the rules. When the list is disposed of, the khatians will under the orders of the settlement officer be corrected, and a note be made in the khatians referring to the orders, *i.e.*, giving number and dates. No enquiries as to rates or rentals, or as to status of ryots, should be made by the attestation mohurrir. All such inquiries should be made in the presence of the settlement officers, as described in the next paragraph.

3. *Procedure for record of rights and attestation.*—The best plan is to call two or three villagers together, and the mohurrirs will then fill up the records as to existing rents and status. The papers will be then put before the settlement officer, and the procedure described in rules 20—25 of chapter VI of the rules will be carried out. The settlement officer will go through them, explaining to the parties the entries, *i.e.*, generally the total area, number of fields, rental and status, and when satisfied that they are understood and are correct, he will initial the original khatian. The attestation mohurrirs should at the time of attestation prepare the return of lands held by mortgagees and by under-ryots [Board's Settlement Rules, form 20 (*c*).]

4. *Disputes.*—Under rule 20 settlement officers are entitled to settle disputes as to matters recorded by the amins by the local enquiry or otherwise. They will find it convenient not to make these disputes the subject of a judicial proceeding under section 107 at first, but to dispose of them after summary enquiry, and to intimate to the party who has lost the case, that he may bring a regular objection under section 106, which will be disposed of as laid down in section 107. If a party proceeds in the first instance by a petition under section 106, it will of course have to be regularly disposed of under section 107. A register of all disputes summarily settled must be kept up.

5. *Applications for settlement of rents under section* 104 (2).—Settlement officers should, when necessary, explain to the parties the object and advantage of having fair rents settled under section 104(2) over a mere record under section 104(1). If an application is made, the settlement officers should then draw up a proceeding declaring the case instituted with the applicant or plaintiff and the other party as defendant. They should order the suit to be entered in the register (*i.e.*, a register similar to that prescribed for the register of civil suits), and should proceed to try the case or to fix a date for trying it. The proceedings of the case will be in accordance with the Civil Procedure Code. It should be noted that the procedure is legalized when proof of the service of the notice under rule 16 has been obtained. An order sheet should be attached, and a final decree written. When the rent is settled, a reference to the settlement proceedings (viz., the number and date) should be made in the column of the khatian, headed "Mode in which rent has been fixed."

If both parties are present when the application is made, and the suit is uncontested, *i.e.*, the existing rent is admitted, and no reason is shown why it should not be settled as fair and equitable, no evidence is necessary.

6. *Registers.*—A register of all suits tried under the Civil Procedure Code should be kept up in the manner prescribed in chapter III, form A, of the High Court Rules. Proceedings should be divided into—

(1) Suits for settlement of fair rents.
(2) Suits for decision of amount of existing rent.
(3) Suits as to status of ryots, &c.
(4) Suits as to occupancy of lands.
(5) Suits as to proprietors' private lands.
(6) Miscellaneous cases.

7. *Recording the status of ryots.*—The status of ryots should be recorded in the manner laid down in rule 23 of the 6th chapter of the rules.

Some doubt appears to exist as to the difference between settled ryots and occupancy ryots. Settled ryots are those who have held land in the village continuously for 12 years. They have occupancy rights in all land for the time being held by them in that village, subject, however, to the provisions of section 180. Occupancy ryots are those who have occupancy rights only in specific portions of lands, such as ryots who have acquired by purchase the occupancy rights of others. These ryots do not have occupancy rights in other lands than those in which they have purchased them until they have held them for 12 years.

8. *Procedure at the time of attestation and record of rents.*—At the time of attestation a rubakari shall be drawn up in the vernacular, in which the following facts should be recorded:—

1. That the notice under section 16 has been duly published
2. That the attestation took place on the date and at the place notified, or if not, that the adjourned date was duly notified.
3. The names of the parties who were present at the time of the attestation on behalf of the maliks and landlords, and the names of ryots. The names of ryots may either be given in full, or a reference may be made to the khatian in which their signatures are recorded.
4. A reference may be made to any further order, either adjourning the proceeding or in reference to the disposal of disputes, or the disposal of applications for the settlement of rents.
5. If the village is not disposed of on the first day of attestation, the rubakar must be added to from day to day as proceedings are held.
6. The rubakar will eventually contain information as to the publication of the papers in the village and the final complexion of the record. This rubakar will be filed with the settlement file of miscellaneous papers.

9. *Preparation of the terij.*—The terij will be prepared by simply transcribing from khatians—

* *N. B.*—The attestation mohurir will write on each khatian the total area and total rent in words as well as in figures to prevent subsequent tampering.

If there is any doubt as to the figures given in the khatian, the figures as transcribed in words will be referred to. If the writing of names is not clear, reference will be made to the khasra. If any of the columns have not been filled up, reference will be made to the settlement officer.

When the terij has been totalled, it will be put up before the settlement officer, who will compare the result with the total of the khasra as received from the Survey Department, and to which the terij mohurrir has not had access.

If the totals do not agree, the areas in the khatian will be compared with the areas in the khasra. If any mistake is found, the khatian will be corrected from the khasra.

If the totals still do not agree, the totals of the khatian must be tested and the totals of the pages of the khasra.

When the totals have been made to agree, the terij with the misl will be put up before the settlement officer for his signature.

Numbers will then be given to every page of the khatian, and these will be initialled by the sudder munserim, and the settlement officer will sign the total number of pages on the last page.

The following duties also must be carried out by the Terij Department:—

(1) If any sheet has the name of two ryots inscribed upon it, a separate sheet must be written for one of them. The signature of the settlement officer must always be taken in such cases.

(2) When the terij has been prepared, the necessary information must be recorded in the khewats, *i.e.*, columns 6, 7, and 8 in the khewat of mal lands; columns 6 and 7 in the khewats of lakheraj lands; and column 10 in the khewat of thikadars: column 2 in the khewat of land occupied for public purposes.

The area of the village given in acres will be examined and compared with the areas given in the old revenue survey map, and a statement will be put up monthly, showing the comparison of all villages which have been included in the month's return.

The sudder munserim will fill up statements 9 and 10 (*a*) and (*b*), which will be translated and recorded by the head-clerk in the registers prescribed for the purpose.

10. *Filling up columns* 17 *and* 18. *disputed entries.*—Disputed entries are those which have been disputed under section 106, and decided after trial under section 107. Such decisions have the force of decrees, and the disputes are then finally disposed of. Other disputes decided under rule 20 of chapter VI of the rules, and where a summary decision is accepted are not disputed entries, and are liable to be brought to trial again see section 109 (2).

The following rules are therefore issued as to the manner of filling up the above two columns:—

It has been provided that in all cases of disputes under section 106, or of disputed rental, a decree will be written, and a note made on the khatian that the entry made is in accordance with the decree. The decree is to be signed by the settlement or assistant settlement officer, only after comparing it with the khatian

In order, therefore, to ascertain what columns have been disputed, it is only necessary to go over the khatian, and see where such a note has been made. When such a note has been made, a reference to the column in which the entry is will be made in column 18, and the rest of the columns will be shown in column 19. Where there has been no dispute, the words "nidarut" will be written in column 18 and "kulls" in column 19.

After this has been done, the necessary copies of the record will be made under rules 34 and 35 of the rule of the Local Government, Chapter VI.

1. *Disposal of objections.*—The following rules are issued in regard to the disposal of objections after the publication of the draft record:—

1. Petitions of objection when received will be entered in a register, and will be referred to the office for an explanation.

2. The department in whose custody the records may be, will give the necessary explanation. They should be promptly given in writing on the back of the petition.

3. When objections are made to entries in published records, an examination of the original khatian and khasra will be made. If possible, and if the mistake is found to be a mistake in copying or similar clerical error, the necessary correction will be made in office, and an explanation of the circumstance will be made on the petition of objection.

4. If the correction cannot be made in office, the procedure prescribed by Rule 32 of Chapter VI of the Bengal Government Rules will be carried out. A notice will be issued and an endeavour made to dispose of the case amicably. If the objection cannot be so disposed of, the case must be tried as provided in section 107 according to the Civil Court Procedure.

12. *Arrangement of records.*

1. The following instructions are issued for the arrangement of records :—
2. The records of villages of which copies have been completed will be made over to the record-room.
3. All records will be arranged by circles.
4. In addition to the records, there will be the following miscellaneous misls :—

(1) The demarcation misls.
(2) The survey misl.
(3) The settlement misl.

5. No. 1, the demarcation misl, will contain all papers connected with the demarcation of the village.
6. No. 2 will contain all papers prepared in the Survey Department, except the khasras and khatians.
7. No. 3 will contain—

(1) The original rubakar for issue of notice under rule 20.
(2) The above notice and any supplementary notices.
(3) The reports of the attestation mohurir.
(4) Dispute list.
(5) Lists of mistakes in khasrah and khatian.
(6) Miscellaneous papers and petitions.
(7) The rubakar tasdiq.
(8) The notices of publication.
(9) Any other miscellaneous papers and notice which may be filed in connection with the village.

8. These papers will be arranged in order so far as possible as they are filed with a fly-leaf showing the character of the paper and the date of filing.
9. The fly-leaf attached to the demarcation misl (No. 1) will be prepared by the amins. When it has not been so prepared, it must be prepared before being made over to the record-room.
10. The survey misl (No. 2) requires no fly-leaf. The paper contained in this misl will be simply separated from the other papers, and be filed together.
11. The settlement paper misl No. (3) must be most carefully filed, and an index or fly-leaf be made of the papers.
12. When a village has been finally completed, the files of miscellaneous papers (viz., misl Nos. 1, 2, and 3) will be prepared for record-room, and a second fly-leaf will be prepared showing papers A, B, and C.
13. A papers need not be marked. They will comprise—

(1) The rubakar for issue of notice under rule 20.
(2) The notice under rule 20.
(3) Dispute lists and connected papers.
(4) Lists of mistakes in khasras.
(5) Rubakar tasdiq.
(6) The notices of publication and connected papers.
(7) Petitions which have resulted in any alteration in the draft record.

14. B papers will include all petitions and miscellaneous applications other than those referred to in paragraph 3.
15. C papers will include all supplementary notices, reports of munserium.
16. All revenue survey maps will be separated from the misls, and be filed separately.
17. The copies of the Collectorate registers from which the khewat has been prepared will be separately filed with the lists of mistakes in order of circles.
18. Misls connected with the settlement of boundary disputes and the records of civil suits will be kept together with a fly-leaf attached, prepared in the latter case in conformity with the rules of the High Court.

These records will be kept in connection with the settlement misl of the village of which they form subsidiary portions, and a note in reference to them will be made on fly-leaf of the settlement misl.

13. *Materials for village reports, see rule* 36* *of chapter VI of the rules under the Tenancy act.*—At the time of settlement the following inquiries will be made :—

I.—The rate of rent prevailing, with history of past enhancement and any other information bearing upon the question of rent.
II.—*Cesses and abwabs.* A list of such cesses and abwabs as are collected in every village must be made with an explanation of each. It must be noted if the cesses have been incorporated in the rent, or if they have now been excluded from it.
III.—*Kist.*—The dates and instalment of kist.
IV.—Whether there is a market in the village, or where the nearest market is, and the days on which markets are held.
V.—*Irrigation.*—Whether any lands are irrigated, and how, and whether any facilities exist for irrigation.

* NOTE.—This Rule has since been cancelled by Government.

VI.—*Seirat.*—What is the arrangement for seirat on tari and khejur trees, and for seirat on fisheries, salt-works, &c.

VII.—What is the custom as to trees, viz., whether they can be planted or cut down with permission of the landlord, and any other custom regarding them.

VIII.—Village site whether rent-free or not.

IX.—Village officials and the custom as to paying them. The following information should be obtained :—

(1) *Patwari*—How appointed and paid, and whether any cess is collected from the raiyats for their pay.

(2) *Jeth raiyats.* Whether hereditary or not ; whether they are remunerated by deduction of rate or rents or how.

(3) Other village officials and the manner of their remuneration such as Barahils, Gurait, Gomashtah, Lohar, Hajjam, Ghamar, Khumar, &c.

X.—*Occupancy rights.*—Whether occupancy rights are by local custom transferable or not. Any instance in which they have been transferred or mortgaged should be noted.

XI.—*Under raiyats.* Whether they can by local custom acquire right of occupancy (1) under ordinary raiyats, (2) under brahmotardar, &c.

2. These enquiries should be made for each village, and the result will be embodied in a report, which should also contain any other information on such points as absconding raiyats, re-settlements, measurements, partitions, and leases.

3. The enquiries should be made in the presence of landlords and raiyats. If any points are disputed, the statement of both sides will be given with an opinion of the settlement officer.

4. The village history should commence with some notice of the proprietors, viz., whether ancestral or not, or how the village was acquired.

5. Settlement officers should, as far as possible, commence their proceedings with this inquiry, so that they may acquaint themselves with the circumstance of the village.

6. These reports will be carefully and regularly written up and arranged.

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